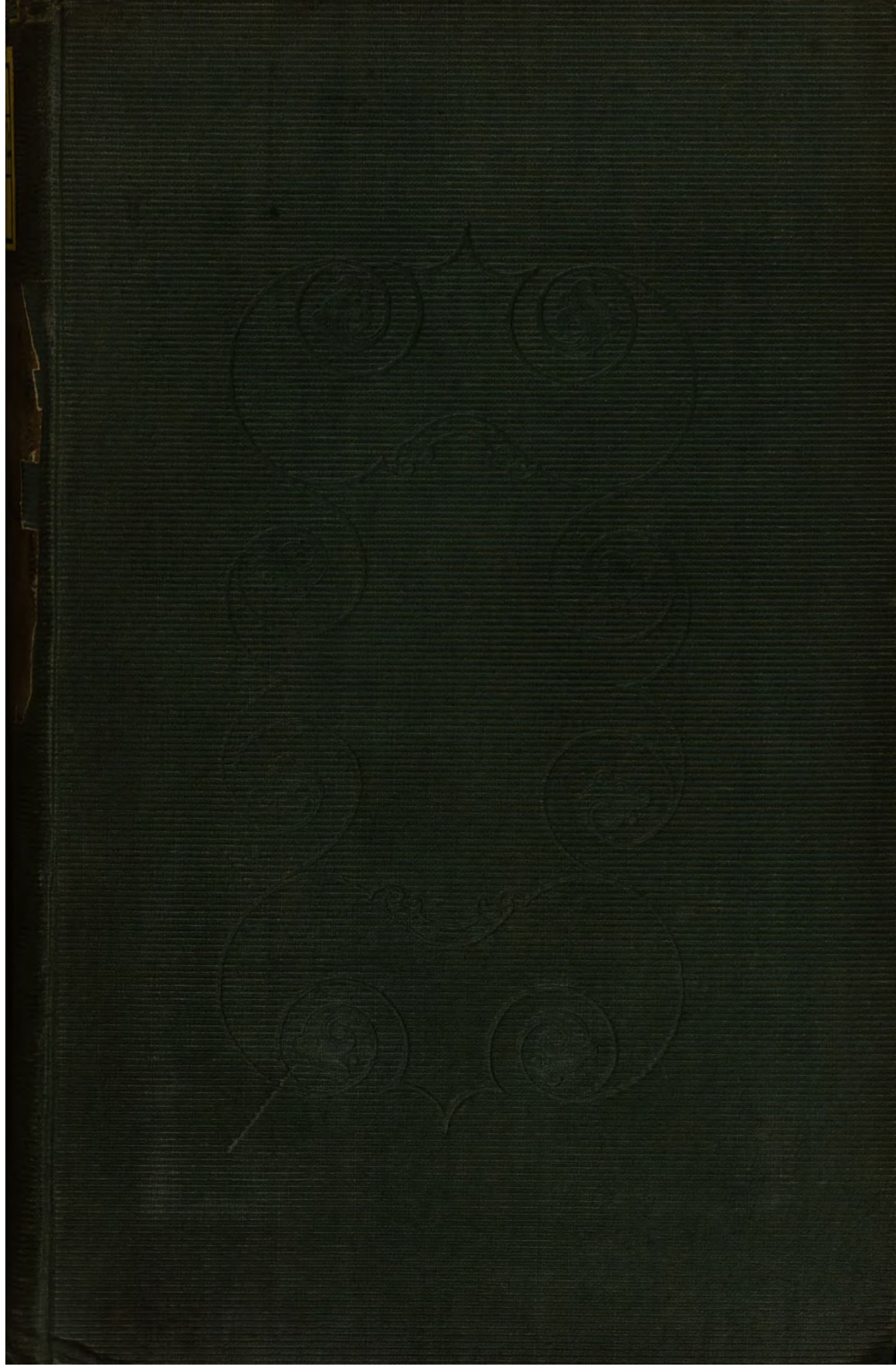




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AN HISTORICAL AND STATISTICAL
ACCOUNT
OF
NEW SOUTH WALES,
BOTH
AS A PENAL SETTLEMENT
AND AS A BRITISH COLONY.

BY JOHN DUNMORE LANG, D.D.,
SENIOR MINISTER OF THE SCOTS CHURCH, AND PRINCIPAL OF THE
AUSTRALIAN COLLEGE, SYDNEY, NEW SOUTH WALES.

"We have seen the land, and, behold, it is very good."—JUDGES xviii. 9.

SECOND EDITION,
WITH NUMEROUS ADDITIONS, BRINGING DOWN THE HISTORY OF THE
COLONY TO THE CLOSE OF 1836.

IN TWO VOLUMES.
VOL. I.

LONDON:
A. J. VALPY, RED LION COURT, FLEET STREET:
BELL AND BRADFUTE, EDINBURGH.

1837.

Wb/66/316

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BY JOHN DRUMMOND LANG, D.D.

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Staatsbibliothek
München

It is not seen the hand, and, indeed, it is very good. — London 22/11/67.

SECOND EDITION.

WITH NUMEROUS ADDITIONS, BRINGING DOWN THE HISTORY OF THE
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IN TWO VOLUMES.

VOL. I.

LONDON:

A. J. VALPY, RED LION COURT, FLEET STREET.

PRINTED BY A. J. VALPY, A

RED LION COURT, FLEET STREET.

EXTRACT FROM THE
PREFATORY ADVERTISEMENT

OF THE

FIRST EDITION.

HAVING found it necessary to undertake a voyage from New South Wales to England in the month of July, 1833, on business connected with the Australian College, and with the Presbyterian Church in communion with the Church of Scotland, in that colony, and having accordingly obtained leave of absence for twelve months from His Excellency Major-General Sir Richard Bourke, the present Governor of New South Wales, it appeared to me that I could not employ the leisure of a long and dreary voyage more usefully for my adopted country, than in drawing up a series of sketches, for publication in England, illustrative of its past history and of its present condition.

The following work was accordingly commenced immediately after we had lost sight of the Australian land; and the first seven chapters were written chiefly in the high latitudes of the Southern Pacific, before doubling

Cape Horn : the remaining chapters were written during the run from Cape Horn to the British Channel.

A work written in such circumstances must necessarily have many imperfections. In running to the eastward in the high southern latitudes, in which the first part of the work was written, no fewer than thirteen icebergs were seen from the deck of our vessel ; and the process of writing was frequently interrupted—sometimes by intense cold in my own private cabin, at others by the smoke from the ship's stove in the main cabin ; and at others, again, by a sea occasionally breaking over the vessel's side, and dashing a shower of spray over the manuscript through a broken pane in the window of my apartment. In such circumstances repetitions of the same idea, if not also of the same words, are apt to occur ; dull expletives are apt to intrude themselves, and the balancing of periods is scarcely to be thought of.

My object in the work has been threefold :—1st, To afford the reader a correct idea of the history, the tendency, and the working of the transportation system, as it regards the Australian colonies ;—2ndly, To exhibit a faithful representation of the present state of the colony of New South Wales in particular ; and 3rdly, To promote the best interests of that colony, by promoting the emigration of reputable families and individuals to its territory, and by pointing out to the authorities at home the line of policy which it is expedient to pursue for the future, to secure its general welfare and its rapid advancement.

As a penal settlement, the history of New South Wales is unquestionably much more interesting to the

general reader than that of any of the other colonies of the empire. That colony has been the scene of an experiment on the capabilities of man, the progress and the result of which are interesting not merely to Britain, but to Europe—to the world. The general impression in the mother country relative to that experiment decidedly is that it has failed—that the whole system of transportation is bad—that its management is worse, and that it ought forthwith to be discontinued. If this impression should be correct, it will nevertheless be of importance to ascertain whether the failure has been owing to the system or to the management, and what are the causes that have operated in producing so unlooked-for and so unfortunate a result. If, on the contrary, the impression should be unfounded, it is high time that the public should be undeceived.

It is allowed on all hands that there is much in the present state of the Australian colonies to counteract the general tendency and efficiency of the Transportation system. In order, therefore, to show how such a state of things has been arrived at, I found it absolutely necessary, in projecting the present work, to take a retrospective view of the state and progress of the colony from its original settlement to the present time. This retrospect, which I am confident has been taken with candour and impartiality, I have reason to believe will sufficiently explain whatever might otherwise have appeared anomalous in the present aspect and condition of the Australian colonies.

It is scarcely possible to relate facts and events of comparatively recent occurrence, in the progress of

which the evil passions of individuals may have been strongly developed, without giving great offence. It is quite true, as has been quaintly observed by Dr. Fuller, the author of a 'History of the University of Cambridge,' that "a man may hold a candle to lighten posterity so near as to burn his own fingers therewith;" nevertheless, I must add with the worthy Doctor, "I will run the hazard, rather than be wanting to any reasonable desire" on the part of posterity. The history of New South Wales is peculiarly British property; it ought, therefore, most unquestionably to be dealt out agreeably to the principles of British justice, without fear and without favour. I am confident I have adhered to these principles throughout the following work. If in any instance I have unconsciously erred, either in the estimate I have formed of individuals, or in the narrative I have given of facts, I can only say with the heathen, *Humanum est errare*.

London, April, 1834.

ADVERTISEMENT

TO

THE SECOND EDITION.

DURING the three years that have elapsed since the publication of the first edition of this work, the colony of New South Wales has undergone various important changes, affecting its whole aspect and character as a British colony ; and has made much greater advances in the march of general improvement, than during any period of equal duration in its previous history. Its vast resources, and the ample means it possesses of counteracting and eventually neutralising the evil influences of its original constitution, as well as of a long period of mismanagement on the part of its rulers, under the operation of the colonial convict system, have during that period been developed to a degree unprecedented in the history of British colonies, and never anticipated by the most sanguine of its friends. These changes, together with the animating prospects they have opened up for the colony, are detailed

in the following pages ; a great part of the work having been re-written, to bring down the history of the colony, in regard to its intellectual, moral, and religious, as well as to its agricultural, commercial, and political state, to the present time. In short, during the last three years the colony has passed through a crisis of the utmost importance in its results to its general welfare in all time coming, and a new and happier era of its existence has undoubtedly commenced. I trust the account I have given of that important period will be found not uninteresting to the general reader, as exhibiting a state of rapid transition in a whole community seldom witnessed in other and older countries ; at all events I am confident it will be found accordant with facts.

As certain exceptions were taken by respectable individuals to the account I had given, in the first edition of this work, of the administration of Governor Bligh, and as it had even been insinuated that that account contained serious misrepresentations, I was led, in making preparations for a second edition, to investigate that portion of our colonial history much more minutely than I had done before. The result of that investigation will be found in its proper place, together with numerous extracts from colonial documents published at the time when the transactions referred to were of comparatively recent occurrence, and justifying the conclusions I had been led to form on less extensive information. The publication of these extracts will probably give offence in quarters in which I should wish to stand well ; but as the early history of the

colony of New South Wales will acquire additional interest among all classes of its inhabitants, as well as in Great Britain and America, in proportion to its increasing importance, not merely as a British colony, but as the destined seat of future and extensive empire, I could not consent to sacrifice one iota of what I consider the interests of truth, especially in a matter of such moment, to mere personal considerations.

Neither have I found it necessary to adopt a different opinion from the one to which I had given expression in the first edition of this work, in regard to the colonial administration of the late Governor, General Darling. The general accordance of that opinion with the facts of the case will, perhaps, be inferred by the candid reader from the circumstance of my representation of His Excellency's character and government having been stigmatised as an unwarranted attack by his friends, and as an unmerited vindication by his enemies. In all such cases the truth generally lies between.

If I had had sufficient leisure to superintend the publication of this work, as well as to prepare it for the press, there are various alterations which I should have made in it, in regard to the arrangement of the matter it comprises, which would have given it a more respectable character in a literary point of view: but the time that has elapsed since my return to England, about seven months ago, has been so completely occupied in travelling to and fro—including five journeys to Scotland, three to Ireland, and a pretty long tour in France, Germany, and Holland—in furtherance of the general objects of my visit to the mother country, that

it has been altogether out of my power to do justice either to the work or to its author; the cabins of steam-boats, and travellers' rooms in hotels, in which a considerable portion of the latter part of it has been written, being but indifferent situations for literary labour. In regard to these blemishes, however, the *gentle reader* is requested to exercise the candour and good feeling for which he was always accustomed to receive credit in the *prefaces* of the olden time.

Liverpool, July 15, 1837.

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which he named *Nova Hollandia* the Spanish name, some-
where about the sixteenth parallel of south latitude, in
the vicinity of Torres Straits. Concerning his discovery

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HISTORICAL AND STATISTICAL ACCOUNT
OF

NEW SOUTH WALES.

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CHAPTER I.
PROGRESSIVE DISCOVERY OF THE COASTS OF
NEW HOLLAND.

of the land, together with a portion of the southern
coast of the neighbouring island of Van Diemen's Land.

Denique et a nostro diversum gentibus orbem,
Diversum cœlo, et clarum majoribus astris,
Remigio audaci attigimus, ducentibus et Dis.

FRACASTORIUS.

"Under the guidance of Superior Powers, and in the course of our
adventurous navigation, we have at length reached a world differing
from our own in its nations, in its climate, and in its sky."

THE vast continental island of New Holland, which
was long supposed by European philosophers to consti-

tute a part of an imaginary southern continent, equal in
extent to Asia or America, was discovered by Don Pedro

Fernando de Quiros, a Spaniard of noble family, in the
year 1609. De Quiros appears to have made the land,

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which he named *Australia del Espiritu Santo*, somewhere about the sixteenth parallel of south latitude, in the vicinity of Torres Straits. Conceiving his discovery of much greater importance than it was likely to have proved, even if prosecuted with ardour, in that early period of the history of modern navigation, De Quiros memorialized the court of Madrid for an expedition to ascertain the limits of the country, and for troops to conquer it for the King of Spain. In this application, however, he was unsuccessful: the Spanish monarch, it seems, was no Alexander; being wisely satisfied, perhaps, with the worlds of which he had already obtained the undisputed sovereignty through the splendid discoveries of Columbus.*

The northern and western coasts of the island, from the gulf of Carpentaria to the south-western extremity of the land, together with a portion of the southern coast of the neighbouring island of Van Dieman's Land, were discovered during the next forty years by a succession of Dutch navigators. Of this extensive line of coast, the land extending from the tropic of Capricorn to the twenty-eighth parallel of south latitude, was the first discovered. It was fallen in with in the year 1616,

* It is not absolutely certain whether the land seen by De Quiros was really the main-land of New Holland, or one of the numerous islands to the north-eastward. The French, the Portuguese, the Spaniards, and the Dutch, have all severally laid claim to the honour of having discovered that vast island, or rather continent. It cannot be denied, however, that while De Quiros was the first to maintain the actual existence of a vast southern land, which he asserted he had himself discovered, the Dutch were the first to point out distinctly where it lay; and it is therefore scarcely fair to allow the name *Nieuw Hollandt*, which commemorates the interesting fact, to be entirely forgotten.

by Captain Dirk Hartog, of the Dutch ship *Endraght*, or *Harmony*, and was thence denominated *Endraght's Land*. Two years thereafter, the land extending from the north-west cape to the fifteenth parallel of south latitude was discovered by another Dutch captain of the name of Zeachen, who also appears to have discovered and surveyed a considerable portion of the northern coast, which he named the Land of Arnheim. In the year following, Captain John Van Edels visited the western coast to the southward of *Endraght's Land*, and gave his name to a part of it about the twenty-ninth parallel of latitude. In the year 1622 the south-west cape was discovered, with the land extending to the northward as far as Van Edel's Land, and was named, probably from the vessel in which the discovery was effected, *Landt van de Leeuwin*, or the *Land of the Lioness*. Five years thereafter, a considerable part of the southern coast was discovered by Captain Peter Van Nuyts, who bequeathed to it his own mellifluous name; and in 1628, the line of coast, intervening between *Endraght's Land* and the discoveries of Zeachen, was discovered and surveyed by a vessel belonging to the Dutch East India Company, and named *De Witt's Land*, in honour of the commodore who then commanded the Dutch East India squadron. During the same year, Captain Peter Carpenter, a naval commander in the service of the same Honourable Company, to whose enlightened intelligence and persevering enterprise geographical science was thus early and deeply indebted, entered and explored the gulf of Car-

pentaria on the northern coast of the continent;* and in the year 1642, Abel Jansen Tasman, who was sent from Batavia by His Excellency Anthony Van Dieman, the Dutch Governor General of the Indies, to survey the coast of New Holland, in command of the *Heemskirk* yacht and *Zeehaen* pinnace, discovered *Van Dieman's Land* and the island of *New Zealand*. Anthony Van Dieman had, it seems, a daughter, to whom Tasman was tenderly attached; and while the latter immortalized his patron by giving his name to a territory, which has since been ascertained to be a separate island, and which is now the seat of a flourishing British colony, he conferred a similar distinction on his daughter, by giving her name to the northern extremity of New Zealand. The circumstance may perhaps appear

* As an instance of the degree of information which is often evinced by persons who write about countries and events with which they are comparatively but little acquainted, my authority for this part of the narrative describes Carpenter as a general in the Dutch East India Company's service; forgetting that in modern times the soldier-officer (as he is usually styled by seafaring men) is always a distinct personage from the sailor-officer, however they may have been anciently identified in Grecian and Roman warfare. The Dutch commander is also stated to have discovered and explored the gulf, which bears his name, on his homeward passage from Batavia to Europe; although the gulf of Carpentaria is many degrees of longitude to the eastward of Batavia, and consequently completely out of the track of vessels homeward-bound from the island of Java. Nay, he is stated to have made his survey of the gulf, which, it is evident, from the slightest inspection of the chart, it must have taken him weeks to effect, while he was in charge of five richly-laden homeward-bound East-Indiamen; as if any naval commander, entrusted with so important a charge, would have ventured to spend his time in making a survey and in forming a chart of the coasts of an unknown country.

trivial to the reader and unworthy of commemoration ; but it happens at this moment to be somewhat interesting to the writer, as *Cape Maria Van Dieman* is at present the nearest land to our good ship on her passage homeward from Port Jackson across the boundless Pacific.*

The first English navigator who visited the coasts of New Holland was the accurate and indefatigable Dampier, who, it is well known, received his naval education among the Buccaneers of America. Sailing from Accomack in Virginia towards the close of the seventeenth century, to cruise against the Spaniards in the Great South Sea, that eminent navigator, after doubling Cape Horn from the eastward, and then stretching across the Pacific towards the Equator, spent some time on the west coast of New Holland ; and the accounts which he published of his observations, on his return to England, having recommended him to the Earl of Pembroke, who was then at the head of the Admiralty, His Majesty King William III. was induced to give him the command of the *Roebuck* man-of-war, and to send him on a voyage of discovery to New Holland in the year 1699. It would seem, however, that Dampier did not extend his observations beyond the line of coast which had previously been discovered by the Dutch, and his contributions to geographical science accordingly consisted chiefly in a more accurate survey of the coast, and in plain but correct and highly graphical descriptions of the country and its inhabitants.

The east coast of New Holland, extending from the

* *Cape Maria Van Dieman* was distant about sixty-five leagues to the eastward when this paragraph was written.

thirty-eighth parallel of south latitude to the northern extremity of the land, in latitude $10\frac{1}{2}^{\circ}$ south, was discovered by the famous English navigator Captain Cook; partly during his first voyage in the year 1770, and partly during his third and last, in the year 1777. These voyages were undertaken chiefly to ascertain the existence or non-existence of a great southern continent; but although this problem, which had occupied the minds of European philosophers, and furnished matter for interesting speculation from the days of De Quiros, was at length solved by our illustrious countryman, in a way that disappointed the anticipations and falsified the conclusions of many; they made known to the world the existence of a vast island, almost equal in extent to the whole continent of Europe, and they led the way to the speedy establishment of a British colony, which at no distant period will unquestionably prove the most valuable of the foreign possessions of the British Crown.

In running along the east coast of New Holland, from the southern extremity of Van Dieman's Land to Port Jackson, in the years 1788 and 1790, Captain Hunter, of His Majesty's ship *Sirius*, who was afterwards Governor of New South Wales, expressed his opinion that a strait or deep gulf would be found to intersect the land between Maria's Island, to the northward of Van Dieman's Land, and the thirty-eighth parallel of south latitude, where the main-land of New Holland had been first fallen in with to the southward by Captain Cook. The reasons he assigned for entertaining this opinion were, that he had observed a strong

current to the eastward on that part of the coast, and that no land had as yet been discovered between the points I have mentioned. It was not, however, till the year 1798 that this opinion was ascertained to be well founded, and Van Dieman's Land, which in all the older charts is represented as the southern extremity of New Holland, discovered to be an island. This important discovery was effected in an open boat by Mr. Bass, a surgeon in the royal navy, who was then stationed on the coast; and as the strait, which separates Van Dieman's Land from the main-land of New Holland, has ever since borne the name of its discoverer, the singularly enterprising spirit of this meritorious officer has very properly been rewarded with that species of immortality, of which men of enterprise and ambition are so passionately fond.

Shortly after the commencement of the late war, Captain Flinders, a name second only to that of Cook, obtained a commission from the Admiralty to survey the coasts of New Holland. As every available vessel in the British navy was at that period employed in the all-absorbing concerns of the French war, the only machine in the shape of a vessel that could be spared to Captain Flinders to survey a most extensive and interesting coast, on which I trust myriads of British subjects may yet find a country and a home, was a miserable and unmanageable hoy. In this vessel Captain Flinders made an accurate survey of a part of the eastern coast, which had been already surveyed in a more cursory manner by Captain Cook, as well as of that portion of

the southern coast which had previously been altogether unknown. He had the misfortune, however, to suffer shipwreck in the course of his voyage ; but having with great difficulty constructed a small-decked boat from the wreck of his vessel, he sailed for the Isle of France, which he was fortunate enough to reach after a most adventurous and perilous navigation. Trusting to a letter of protection he had obtained from the French government previous to his leaving England, and naturally expecting that hospitable reception which a devotee of science had a right to expect in any civilized country in the nineteenth century, Flinders was under no apprehension in entering Port Louis. But in the exercise of that spirit of tyrannical injustice which pervaded the whole government of Napoleon, the unfortunate English navigator was subjected to a long imprisonment, by command of General Decaen, the French Governor of the Mauritius, while all his papers were seized. The object of this barbarous treatment was at length ascertained. A voyage of discovery to the Australian continent had been undertaken by the French government, at the recommendation of the Parisian *savans*, and was actually in progress during the imprisonment of Flinders ; and there is reason to believe that the papers of the hapless Englishman, who was pining in jail at Port Louis, saved the gentlemen, to whom the results of that voyage were afterwards entrusted for publication, a world of trouble ; for in due time a chart of the Australian continent was published at Paris, in which the numerous bays and capes discovered and described by

Flinders were emblazoned with the names of the Emperor Napoleon, and the other short-lived heroes of his ephemeral empire.

To the voyage of the French Admiral D'Entrecasteaux, who was commissioned by the French Government to proceed to the South Seas, in search of the unfortunate La Perouse, in the year 1792, and who discovered and surveyed the narrow channel that bears his name, separating Bruné's island from Van Dieman's Land; as well as to those of Captain Freycinet, of the schooner *Casuarina*, and Captain Baudin, of the corvette *Geographe*—which were undertaken respectively in the years 1803 and 1804—we are also indebted for much and accurate information respecting the southern and western coasts of New Holland *

Within the last eighteen years, Captain King, of the

* D'Entrecasteaux' Channel having recently become notorious in the Australian colonies from the loss of three large ships—the convict-ship *George the Third*, and the merchant-ships *Enchantress* and *Wallace*—in the course of twelve months or thereby, on a reef of rocks at its entrance, the following description of the channel, written by a passenger on board the ship *Andromeda*, in the year 1823, may not be uninteresting to the reader: “The reef at the entrance of the channel is called the *Actæon Reef*, from the circumstance of the ship *Actæon*, from the Isle of France, having been wrecked on it early in the year 1823. The reef, which is partly dry at low water, was unfortunately never surveyed; and from the three melancholy instances of shipwreck above-mentioned, in only one of which, however, was there a considerable loss of life, it has been found to extend much farther under water than was supposed. There would have been no danger to apprehend if the entrance of the channel had only been surveyed.”

See! D'Entrecasteaux' Channel opens fair,
And Tasman's Head lies on your starboard bow.
High rocks and stunted trees meet you where'er
You look around; 'tis a bold coast enow.

royal navy, has made two voyages of discovery along the coasts of New Holland, neither of which however has been productive of any important result. There are still therefore many interesting geographical pro-

With foul wind and crank ship 't were hard to wear ;

A reef of rocks lies westward long and low.

At ebb tide you may see the Actæon lie

A sheer hulk o'er the breakers high and dry.

'Tis a most beauteous strait ! The great South Sea's

Proud waves keep holiday along its shore ;

And as the good ship glides before the breeze,

Broad bays and isles appear and steep cliffs hoar,

With groves on either hand of ancient trees

Planted by Nature in the days of yore :

Van Dieman's on the left and Bruny's Isle

Forming the starboard shore for many a mile.

But all is still as death ! Nor voice of man

Is heard, nor forest warbler's tuneful song.

It seems as if this beauteous world began

To be but yesterday, and the earth still young

And unpossess'd. For though the tall black swan

Sits on her nest and sails stately along,

And the green wild-doves their fleet pinions ply,

And the grey eagle tempts the azure sky ;

Yet all is still as death ! Wild solitude

Reigns undisturb'd along the voiceless shore,

And every tree seems standing as it stood

Five thousand years ago. The loud wave's roar

Were music in these wilds ! The wise and good,

That wont of old as hermits to adore

The God of Nature in the desert drear,

Might sure have found a fit sojourning here !

*Aurora Australis ; or, Specimens of Sacred Poetry for the Colonists
of Australia, Sydney, 1826.*

blems, relative to the physical conformation of that vast *terra incognita*, remaining to be solved by the diligence and enterprise of future navigators.

That many important discoveries will yet be effected along the coasts of New Holland, every intelligent inhabitant of New South Wales is fully persuaded. The line of coast discovered by Captain Cook embraced an extent of not less than two thousand miles. Was it possible, then, that any thing more than the general outline of a coast of such extent could have been ascertained and determined, during the few weeks that were spent in running along it by our distinguished fellow-countryman? Captain Cook was himself eight days at anchor in the open and insecure harbour of Botany Bay; and during that period the naturalists who accompanied him made excursions into the surrounding country in various directions. But the whole party ultimately left the neighbourhood, without even suspecting that they had all the while been lying within eight miles of one of the finest harbours in the world. Moreton Bay, situated between the twenty-seventh and twenty-eighth parallels of south latitude, was in like manner discovered and laid down by Captain Cook, and was afterwards more particularly surveyed by Captain Flinders; but it was only within the last ten years that a large river was discovered flowing into it from the westward, on the rich alluvial banks of which a penal settlement has since been formed. Long after the formation of that settlement, Captain Rous, of His Majesty's ship *Rainbow*, ascertained the existence of two other rivers of considerable magnitude, in running

along the coast between Moreton Bay and Port Jackson; and it is the general impression among intelligent men in New South Wales, that a large river or arm of the sea will, sooner or later, be found crossing the continent to the north-westward, and carrying off its interior waters into the Indian Ocean; as, independently of other considerations, which render such a conformation extremely probable, an archipelago was ascertained to exist in that direction by Captain Dampier, in which the tide rises to an unusual height, and sweeps with an impetuous current along the shores of islands, whose coasts are still untraced on the chart of the world.

“Of all the coasts of the continent of Australia,” observes Mr. Allan Cunningham,—a gentleman to whom geographical science is much indebted for his indefatigable exertions in the interior of the Australian continent, in a paper entitled *A Brief View of the Progress of Interior Discovery in New South Wales*, published in the second volume of the Journal of the Royal Geographical Society of London,—“the north-western, as affording encouragement to hope that outlets of internally collected waters might be there discovered, calls for peculiarly minute and patient examination. Upwards of one hundred and thirty years ago, that celebrated navigator, Dampier, whilst on that coast, found the southern parts of De Witt’s Land to consist of a range of islands, (now bearing his name,) among which he remarked such an extraordinary rise and fall of the tides, as induced him to give it as his opinion that the northern part of New Holland was separated from the lands to the southward by a strait; unless,” says he, “the high tides

and indraughts thereabouts should be occasioned by *the mouth of some large river*, which hath often low lands on either side of the outlet, and many islands and shoals lying at its entrance." "This opinion," says Captain Flinders, "he supports by a fair induction of facts; and the opening of twelve miles wide, seen near that part of the coast by Vlaming's two vessels, and in which they could find no anchorage, strongly corroborates Dampier's supposition.

"What those early navigators remarked has been more than abundantly confirmed, lately, by Captain King, whose more extended observations upon the character of the tides, the rushing force of the currents, and other phenomena on those intertropical shores, all lead to the conclusion, that if that peculiarly constituted country furnishes any streams of magnitude, worthy to be compared with those of other continents, the estuaries of such will most assuredly be found on that extensive line of coast.

"At the close of the surveys of this latter very able navigator in 1822, there remained between Dampier's Archipelago, in latitude 22° , and Cape Hay in 14° , about five hundred miles of coast, wholly unsurveyed and unseen. Moreover, there is reason to believe, that even of those portions of that coast which were examined during those voyages, which employed between four and five years, some parts will be found to be rather large groups of islands, the main shore itself being probably far distant to the eastward.

"To complete the survey of that considerable range of coast, the employment of a vessel, thoroughly

equipped for so intricate, dangerous, but, at the same time, most interesting service, would at once settle the great geographical question ; viz. whether or not Australia, with a surface equal nearly to that of Europe, discharges on its coast a river of sufficient magnitude to lead, by a long, uninterrupted course of navigation, to its central regions, by which alone a knowledge of the capabilities of such distant parts of the interior may be acquired, and the produce of the soil be one day conveyed to its coast."

A small steam-boat, or sailing vessel, under the command of an officer of the navy, of the requisite qualification, could be fitted out from Sydney for the survey of particular portions of the coasts of the Great Australian continent at a very small expense, and could solve the interesting problem referred to, together with many others equally interesting and important, in the course of a few months. Many enterprising officers would be delighted at the opportunity of acquiring honourable fame in such an employment ; and when it is borne in mind, that, besides affording additional stimulus and extension to the commerce of the mother country, it would either facilitate or lead to the permanent settlement of myriads of the superabundant population of Great Britain and Ireland along the fertile shores of the Australian continent, the interesting and important service should not be deferred for a single day. In short, one cannot help wishing, on behalf of the interests of geographical science, that His Majesty's Government would cause an expedition of discovery, or rather a series of such expeditions, to be fitted out

in New South Wales, to examine every inlet along the extensive coasts of Australia, and to trace every navigable stream to its source, that the veil of mystery which still overspreads so large a portion of that great continent may at length be withdrawn. The expedition of Captain Sturt down the Morumbidgee river, in the south-western interior, has fully proved that the best means of penetrating into the interior of the country is by proceeding up the rivers that empty themselves on the coast; and, as navigable rivers have been ascertained to exist in the southern division of the continent, there is reason to believe that the drainage of the other parts of its vast surface will sooner or later be found to be effected in a similar way.

CHAPTER II.

ESTABLISHMENT OF A BRITISH COLONY AT PORT JACKSON, UNDER THE GOVERNMENT OF CAPTAIN ARTHUR PHILLIP, R.N.

Tantæ molis erat Romanam condere gentem !

VIRGIL.

“ Vast was the toil to found the Roman state.”

BEFORE the British colonies of North America were violently severed from the mother country, through unwise if not tyrannical legislation, the southern colonies of North America and the West Indies had for a long time been the only authorized outlets for those criminals in Great Britain and Ireland who had been sentenced to transportation.* During that period

* By the statute of 39th Eliz. chap. iv. banishment was decreed for the first time as the punishment of rogues and vagabonds ; but the place of their exile was not particularly specified in that enactment. The practice of transporting criminals to America commenced in the year 1619, in the reign of James I. Great abuses however having been discovered in the mode of carrying the system into operation, the transportation of criminals to America was at length regulated by parliamentary enactment, in the fourth year of the reign of George I. ; and the causes of that enactment are stated in the preamble to be “ the failure of those who undertook to transport themselves ”—a very probable occurrence—“ and the great want of servants in His Majesty’s plantations.”

various expedients had been put in practice, with indifferent success, for conveying the criminals to their destination. It was at length determined, however, by parliamentary enactment, that they should thenceforth be sent out under the superintendence of contractors, who should be obliged "to prove by certificates that they had disposed of them according to the intention of the law." These contractors were empowered to hire the convicts, or, in plainer English, to sell them, to the planters for longer or shorter periods, according to their sentence; and the latter bought them for such sums as they conceived their services during these periods would respectively be worth. This parliamentary slave-trade in the persons of British convicts subsisted till the war of American independence; and as it has been calculated that not fewer than two thousand convicts were annually disposed of in this manner for some time previous to that war, at the average rate of £20 sterling a head, the unchristian and scandalous traffic must have produced a gross revenue to the nation of £40,000 per annum.

"By the contest in America, and the subsequent separation of the Thirteen Colonies, this traffic" (the author of a work of some authority, relative to the earlier state of the colony of New South Wales, very coolly observes) "was of course destroyed." Other expedients were *of course* resorted to; and for some time criminals under sentence of transportation were sent, by way of experiment, to the west coast of Africa.* But the

* One of these expedients, which was adopted by parliament in 1779, but was subsequently abandoned in consequence of its supposed imprac-

deadliness of that climate speedily awakened the spirit of humanity, throughout the mother country, in favour of the convicts, and procured the speedy abandonment of a system of transportation, which, under the guise of mercy, was found almost equivalent to an indiscriminate sentence of death.

As the jails, however, were in the mean time crowded with criminals, it was at length determined, after much previous deliberation in the British parliament, to form a penal settlement at Botany Bay, on the east coast of New Holland, which had then been but recently discovered by Captain Cook, and named New South Wales.

The main objects of the British Government, in the formation of the proposed settlement, as expressed by the legislature, as well as by the leading philanthropists and the public press of the period, were,—

I. To rid the mother country of the intolerable nuisance arising from the daily increasing accumulation of criminals in her jails and houses of correction :

II. To afford a suitable place for the safe custody and the punishment of these criminals, as well as for their ultimate and progressive reformation ; and,

III. To form a British colony out of those materials which the reformation of these criminals might gradually supply to the government, in addition to the families of free emigrants who might from time to time be induced to settle in the newly-discovered territory.

These, the reader will doubtless acknowledge, were

ticability, was the establishment of penitentiaries, on a plan devised by the united talents of Judge Blackstone, the Honourable Mr. Eden, and the celebrated Howard.

objects altogether worthy of the enlightened legislature of a great nation : in fact, it was the most interesting and the noblest experiment that had ever been made on the moral capabilities of man : and if *there is joy in heaven among the angels of God over every one sinner that repenteth*, we may well conceive the deep interest which superior intelligences would naturally feel at the establishment of the penal colony on the coast of New Holland—all insignificant and contemptible as it might appear to the great majority of mankind—and the loud burst of joy with which they would have hailed the tidings of its ultimate success.

From the view I have thus given of the objects of government, in forming the proposed settlement, it will appear evident to the reader, that it must have been the intention of the British legislature that the government of the colony of New South Wales should be conducted, in the first instance, on those principles of coercion and moral discipline which are suitable for the government of a jail ; and it will also appear equally evident, that it is the first and the proper business of the writer, in proposing to exhibit a general view of the actual state of the colony, to point out the exact degree, in as far as it can possibly be ascertained, in which this intention has hitherto been realized, or in which each successive colonial administration has been influential in promoting the grand objects of its original establishment. Such therefore will be the object of the writer in the following historical sketches of the progress of the colony, from its first establishment to the present day.

A fleet of eleven sail was assembled at Portsmouth, in the month of March, 1787, for the formation of the proposed settlement on the coast of New Holland. It consisted of His Majesty's frigate *Sirius*, Captain John Hunter, and His Majesty's armed tender, *Supply*, Lieutenant Ball; three store-ships—the *Golden Grove*, the *Fishbourne*, and the *Borrowdale*; and six transports—the *Scarborough*, the *Lady Penrhyn*, the *Friendship*, the *Charlotte*, the *Prince of Wales*, and the *Alexander*. On board of these vessels there were embarked six hundred male, and two hundred and fifty female convicts; the guard consisting of one major-commandant and three captains of marines, twelve subalterns, twenty-four non-commissioned officers, and one hundred and sixty-eight privates. Forty women, wives of the marines, were also permitted to accompany the detachment, together with their children.

Captain Arthur Phillip, of the royal navy,—of whom, as he has thus incidentally become a personage of historical interest in the southern hemisphere, the reader will naturally be desirous of knowing something farther,—was appointed governor of the proposed colony. Captain Phillip was born in London, in the year 1738. His father, Mr. Jacob Phillip, was a native of Frankfort in Germany, who, having settled in England, maintained his family and educated his son by teaching the languages. Mr. Phillip entered the navy at the age of sixteen, and was present at the taking of *Havannah* in the year 1761, when he gained some prize-money, and was made lieutenant on board the *Stirling Castle*, by Admiral Sir George Pococke. At the close

of the seven years' war, in 1763, Lieutenant Phillip returned to England, and, having married, settled at Lyndhurst in the New Forest. A rupture, however, having taken place shortly after between Portugal and Spain, he offered his services to the court of Lisbon, and was employed in the service of Portugal till the year 1778, when, Great Britain being again embroiled with France, he returned to England. In the year 1779, he was made master and commander, and appointed to the Basilisk fire-ship. Two years afterwards he was promoted to the rank of post-captain, and appointed, first to the Ariadne frigate, and subsequently to the Europe, sixty-four. In January, 1783, he sailed with a reinforcement to the East Indies; but, returning to England very shortly afterwards, he was not again in active service till he obtained his appointment as Governor of New South Wales in the year 1787.

The little fleet which was thus placed under the command of Captain Phillip, and which has ever since been designated by the colonists of New South Wales *the first fleet*, set sail from Portsmouth on the 13th of May, 1787; and, having touched for supplies and stock for the settlement at Teneriffe, Rio de Janeiro, and the Cape of Good Hope, arrived at Botany Bay on the 18th, 19th, and 20th of January, 1788, after a long but comparatively prosperous voyage of eight months and upwards.

Captain Phillip soon found, however, that Botany Bay was by no means an eligible harbour; for although the anchorage was apparently extensive, it was nevertheless open to the full sweep of the easterly winds,

which, whenever they blow violently, as is not unfrequently the case, roll in a heavy sea, which raises a tremendous surf all along the shores of the bay. Besides, the land in its immediate vicinity, which had been described by Sir Joseph Banks as a series of beautiful meadows, abounding in the richest pasture, was found to be nothing but barren swamps and sterile sand.

Greatly disappointed, doubtless, at the miserable prospect which the neighbourhood of Botany Bay afforded for the establishment of a colony, Captain Phillip was thus obliged to go in search of a more eligible site for the proposed settlement, even before the greater number of the convicts had been permitted to land. For this purpose he took with him three boats and several of the naval officers of the fleet, intending to examine Broken Bay, an extensive inlet, which Captain Cook had described, considerably to the northward. In Captain Cook's chart of the coast, however, another opening had been laid down a few miles to the northward of Botany Bay, on the authority of a seaman of the name of Jackson, who had seen it from the fore-top-mast-head, and from whom Captain Cook, who conceived it might possibly be a boat-harbour which it was not worth his while to examine, called it Port Jackson. This opening, which at first had rather an unpromising appearance, Captain Phillip examined; and the result of that examination was the splendid discovery of Port Jackson—one of the finest harbours, whether for extent or for security, in the world. To this harbour the fleet was immediately removed; and

the settlement was ultimately formed on the 26th of January, 1788, at the head of Sydney Cove, one of its numerous and romantic inlets, near a small perennial stream of fresh water, which empties itself into the harbour, and is now called *The Tanks*.

The following account of the landing in Sydney Cove, and the actual formation of the settlement under Captain Phillip, will not be uninteresting to the reader. It is extracted from Collins's 'Account of the Settlements of Port Jackson and Norfolk Island.' It is only necessary to premise that the localities described by Colonel Collins are now the most populous part of the town of Sydney; in which the minimum price of crown land is now £1000 per acre, although in eligible situations it often sells for ten times that amount.

“The governor, Captain Phillip, with a party of marines, and some artificers selected from among the seamen of the *Sirius* and the convicts, arrived in Port Jackson, and anchored off the mouth of the cove intended for the settlement on the evening of the 25th January, 1788; and in the course of the following day sufficient ground was cleared for encamping the officers' guard and the convicts who had been landed in the morning. The spot chosen for this purpose was at the head of the cove, near the run of fresh water, which stole silently along *through a very thick wood*, the stillness of which had then, for the first time since the creation, been interrupted by the rude sound of the labourer's axe, and the downfall of its ancient inhabitants;—a stillness and tranquillity, which from that day were to give place to the voice of labour, the confusion of

camp and towns, and 'the busy hum of its new possessors.' That these did not bring with them

Minds not to be changed by time or place,

was fervently to have been wished; and if it were possible, that on taking possession of Nature, as we had thus done, in her simplest, purest garb, we might not sully that purity by the introduction of vice, profaneness, and immorality. But this, though much to be wished, was little to be expected;—the habits of youth are not easily laid aside; and the utmost we could hope in our present situation, was to oppose the soft harmonizing arts of peace and civilization to the baneful influence of vice and immorality.

“In the evening of this day the whole of the party that came round in the Supply were assembled at the point where they had first landed in the morning, and on which a flag-staff had been purposely erected, and an union-jack displayed, when the marines fired several volleys; between which the governor and the officers who accompanied him drank the healths of His Majesty and the Royal Family, and success to the new colony. The day, which had been uncommonly fine, concluded with the safe arrival of the Sirius and the convoy from Botany Bay,—thus terminating the voyage with the same good fortune that had from its commencement been so conspicuously their friend and companion.

“The disembarkation of the troops and convicts took place from the following day until the whole were landed. The confusion that ensued will not be won-

dered at, when it is considered that every man stepped from the boat literally into a wood. Parties of people were every where heard and seen variously employed :—some in clearing ground for the different encampments ; others in pitching tents, or bringing up such stores as were more immediately wanted ; and the spot which had so lately been the abode of silence and tranquillity, was now changed to that of noise, clamour, and confusion ; but after a time order gradually prevailed. As the woods were opened and the ground cleared, the various encampments were extended, and all wore the appearance of regularity.

“ A portable canvas house, brought over for the Governor, was erected on the east side of the cove, which was named Sydney, in compliment to the principal Secretary of State for the Home Department, where also a small body of convicts was put under tents. The detachment of marines was encamped at the head of the cove near the stream, and on the west side was placed the main body of the convicts. The women did not disembark until the 6th of February ; when, every person belonging to the settlement being landed, the numbers amounted to 1030 persons. The tents for the sick were placed on the west side, and it was observed with concern that their numbers were fast increasing. The scurvy, that had not appeared during the passage, now broke out, which, aided by a dysentery, began to fill the hospital, and several died. In addition to the medicines that were administered, every species of esculent plants that could be found in the country were procured for them : wild celery,

spinach, and parsley fortunately grew in abundance about the settlement; those who were in health, as well as the sick, were glad to introduce them into their messes, and found them a pleasant as well as wholesome addition to the rations of salt provisions.

“The public stock, consisting of one bull, four cows, one bull-calf, one stallion, three mares, and three colts, were landed on the east point of the cove, where they remained until they had cropped the little pasturage it afforded; and were then removed to a spot at the head of the adjoining cove, that was cleared for a small farm, intended to be placed under the direction of a person brought out by the Governor.

“Some ground having been prepared near his Excellency's house on the east side, the plants from Rio de Janeiro and the Cape of Good Hope were safely brought on shore in a few days; and we soon had the satisfaction of seeing the grape, the fig, the orange, the pear, and the apple, the delicious fruits of the Old, taking root and establishing themselves in our New World.

“As soon as the hurry and tumult necessarily attending the disembarkation had a little subsided, the Governor caused His Majesty's commission, appointing him to be his Captain-General and Governor-in-chief in and over the territory of New South Wales and its dependencies, to be publicly read, together with the letters patent for establishing the courts of civil and criminal judicature in the territory; the extent of which, until this publication of it, was but little known

even among ourselves. It was now found to extend from Cape York, (the extremity of the coast to the northward,) in the latitude of $20^{\circ} 37'$ south, to the South Cape, (the southern extremity of the coast,) in the latitude of $43^{\circ} 39'$ south; and inland to the westward as far as 135° of east longitude, comprehending all the islands adjacent in the Pacific Ocean, within the latitudes of the above-mentioned capes."

On the morning of the 24th of January, previous to the removal of the fleet from Botany Bay, a circumstance occurred, which, in ancient times, would, doubtless, have been considered a most favourable omen of the future commercial prosperity of the new settlement, as well as of the wonderful change it was destined to effect in the general aspect and condition of the southern hemisphere. Two large ships under French colours were seen beating into the bay. They proved to be the *Boussole* and the *Astrolabe*, discovery ships, under the command of the unfortunate *La Perouse*. They had lost *M. de l'Angle*, the junior captain, with several of the officers and seamen, and both the ships' long-boats, in an unfortunate skirmish with the natives at the Navigators' Islands, and had consequently come to Botany Bay to refit for the prosecution of their voyage. *M. de la Perouse* remained nearly two months in New South Wales; and during that period *M. le Receveur*, a French ecclesiastic, of the order of Friars Minims, who accompanied the expedition in the capacity of naturalist, died of wounds he had received at the Navigators' Islands, and was buried at Botany

Bay.* A mutual interchange of civilities was kept up between the English and French officers while the latter remained on the coast ; and the reader is doubtless aware that this was the last time that either La Perouse or any of his unfortunate fellow-voyagers were either seen or heard of alive by civilized men. After the lapse of forty years, and the unsuccessful issue of a voyage undertaken expressly to ascertain the place and the manner of his fate,† the melancholy truth was at length ascertained a few years ago by Captain Dillon, of the Honourable East India Company's ship *Research*. Both vessels, Captain Dillon ascertained, had struck one stormy night on a dangerous coral reef off the Manicolo or Mallicolo islands, to the northward and eastward of Port Jackson, and had soon gone to pieces. Some of the crew had, it seems, reached the land, and one or two of their number had chosen rather to remain on the island, while the rest had unsuccessfully attempted to reach some civilized country : but the last of the unfortunate survivors had died several years before Captain Dillon visited the island in search of the evidences of their fate. I went on board the *Research*, while she lay at anchor in Port Jackson, on her way to Europe,

* The following epitaph was inscribed on a monument erected to the memory of M. le Receveur, by La Perouse, at Botany Bay :—

Hic jacet Le Receveur,
e F. F. Minimis Galliaë Sacerdos,
Physicus, in circumnavigatione

Mundi,

Duce de la Peyrouse.

Ob. 17 Feb., 1788.

† The voyage of Admiral D'Entrecasteaux.

to see the interesting reliques discovered by Captain Dillon; and I could not help thinking they possessed an additional interest, from the circumstance of their being thus brought back, in the first instance, to the very country from which the unfortunate navigator himself had last sailed, with such high expectations, upwards of forty years before. That country, I could not help thinking also, was then an interminable forest; and a few miserable convicts from the jails of England had just been landed on its shores. In the interval that had elapsed, the forest had been cleared away; towns and villages had arisen, as if by magic, in the wilderness; and the haunts of the solitary savage were already inhabited by eighty thousand Europeans.*

When Governor Phillip hoisted the British ensign on the shores of Sydney Cove, they were by no means thickly wooded, as compared with the heavily-timbered alluvial land of the colony on the banks of rivers; but the trees were lofty and of hard timber, and of course difficult to fell.† A sufficient extent of ground had

* Including the inhabitants of Van Dieman's Land at the period referred to. A monument, bearing the following inscription, has been erected to the memory of M. de la Perouse, at Botany Bay:—

“A la mémoire de Monsieur de la Perouse. Cette terre, qu'il visita en 1788, est la dernière d'où il a fait parvenir de soi nouvelles. Erigé au nom de la France par les soins de MM. Bougainville et Ducampier, commandant la frégate *La Thétis* et la corvette *L'Espérance*, en relâche au Port Jackson en 1825.

Le fondement posé en 1825;

Elévé 1828.”

† As an illustration of the size and quality of the timber that occupied the site of the large and flourishing town of Sydney about forty-eight years ago, I may mention the following circumstance:—On the summit

therefore, in the first instance, to be cleared for a settlement: houses had then to be erected for the principal officers of the colony, with an hospital for the sick, a barrack for the soldiers, huts for the convicts, and a magazine for the stores and provisions.

These operations, however, proceeded but very slowly; for there were only a very few mechanics among the convicts, and still fewer among the sailors and marines. Indeed, there seems to have been a strange want of foresight, on the part of the proper authorities in the mother country, in sending out so very few persons with Governor Phillip, whose abilities could be rendered available in establishing such a settlement as it was intended to form. Besides, the length and confinement of the voyage, and the necessity for subsisting for a long period on salt provisions, as the country afforded no indigenous vegetation for the sustenance of man, subjected the colony to a general attack of the scurvy, under which a number of the convicts, whose constitutions were perhaps but ill adapted to withstand so calamitous a visitation, gradually sunk; while in others it induced that entire prostration of all the energies of

of the ridge on which the Scots Church was erected in the year 1824, a large blue-gum-tree, (a variety of the genus *Eucalyptus*,) of about six or eight feet in diameter, had been cut down about thirty-five years before; but the stump, which had been left standing in the ground, was still to all appearance as fresh, and the root as firmly fixed in the soil, as if it had been cut down only a few days previous. It was found necessary to remove the stump, as it interfered with the line of the foundation of the proposed building; and for this purpose a pile of wood and turf was heaped over it and set fire to; but it took about ten days or a fortnight to burn out the old root.

our nature, which that singular and malignant disease uniformly occasions. Of the convicts embarked in the first fleet, forty had died on the passage, and twenty-eight during the first five months after the settlement was formed. At the expiration of that period, sixty-six were under medical treatment, and two hundred were unable to work.

In these circumstances, Governor Phillip's first care was to provide for the future subsistence of the colony, and to render it, as soon as possible, independent of supplies from England: in this particular, however, he had to encounter a serious difficulty, which, it seems, had not been anticipated. Of the convicts, very few comparatively knew any thing of agriculture, and there was scarcely a single free person in the settlement who was able to instruct them. A few individuals had, indeed, been sent out by Government in the capacity of agricultural superintendents; but, on putting them to the trial, it was found, that although they professed to have been accustomed to the "farming business" in their youth, they were generally quite unacquainted with agricultural operations. In short, for a considerable period after the formation of the settlement, there was only a single individual in the colony—a man whom the Governor had hired in England as his body-servant—who could either manage the convicts successfully or instruct them in agriculture; and this person, unfortunately, died in the year 1791. In such circumstances, the reader will easily conceive how much valuable labour must necessarily have been altogether misapplied, and how much absolutely lost to the colony.

Notwithstanding these discouraging circumstances, land was cultivated in various localities. The first government-farm in the colony was an extent of nine acres of ground in Farm Cove, a little to the eastward of Sydney; but the natural sterility of the soil in that vicinity was extremely unfavourable to agricultural operations, and the crop was consequently very inadequate. A more promising situation was soon found, however, at the western extremity of the harbour, on the banks of a small stream of fresh water about fourteen miles from Sydney. An agricultural settlement was accordingly formed in that locality, which the Governor named *Rosehill*; but finding afterwards that the natives called the place Parramatta, he substituted that name for the one he had given it—thereby exhibiting a degree of common sense, conjoined with a correctness of taste, which, I am sorry to say, has been but seldom evinced by certain of his more ambitious successors. In November, 1791, there were upwards of seven hundred acres of land in cultivation at Parramatta; but as the ground in that vicinity is now considered of very inferior quality, the return could scarcely have been commensurate with the cost of its cultivation. In addition to the natural sterility of the soil then under cultivation, the colony was unhappily visited, during the government of Captain Phillip, with one of those distressing droughts to which it seems periodically subject, and which, occurring at that particular crisis, was sufficient to have damped the ardour of the most sanguine of its friends.

The highly favourable account which Captain Cook

had given of the soil and climate of Norfolk Island, which is situated on the twenty-ninth parallel of south latitude, to the northward of New Zealand, and the expectation that the cultivation of New Zealand flax, which is indigenous on that island, might prove beneficial to the mother country, had induced His Majesty's Government to desire Captain Phillip to form a settlement on Norfolk Island. Mr. King, the second-lieutenant of His Majesty's ship *Sirius*, was accordingly sent thither for that purpose with a small detachment of marines and convicts, amounting in all to twenty-seven persons. Mr. King appears to have acquitted himself with much vigour and ability. Notwithstanding the various discouragements arising from droughts and blighting winds, as well as from the serious depredations of birds, rats, grubs, and thieves, to which the settlement was at first exposed, a large extent of ground was gradually cleared and cultivated; and the prospect of raising subsistence for a considerable population appeared in every respect more favourable than at Port Jackson. The number of persons on the island was in consequence gradually increased by successive detachments of marines and convicts from head-quarters; and in December 1791, about a thousand bushels of wheat were reaped on the island, and five hundred of maize. Mr. King had in the mean time been ordered to England by Governor Phillip with despatches for Government; and for his services in establishing that promising dependency he was rewarded with the rank of master and commander in the navy, and appointed Lieutenant-Governor of Norfolk Island.

Norfolk Island is about seven leagues in circumference, and, except in a few places where the landing is exceedingly unsafe and precarious, is bounded by precipitous cliffs, on which the surf breaks frightfully when the wind blows with violence from any quarter. It appears of volcanic origin, and consists entirely of a series of hills and valleys alternating like the waves of the ocean, each of these valleys being watered with a running stream from the hills. The soil, even to the tops of the highest hills, is the richest vegetable mould, and the vegetation partakes of that intermediate character which distinguishes the temperate regions adjoining the tropics. I have already observed that the *phormium tenax*, or New Zealand flax, is indigenous on the island; and the Norfolk island pine, which attains a diameter of nine feet, and a height of upwards of one hundred and eighty, throwing around it a series of branches at regular intervals, each like a beautiful Prince of Wales' feather, is perhaps the most splendid botanical production in nature. This beautiful island, which appears peculiarly adapted for the cultivation of coffee, if not also for the production of sugar, and in the settlement of which much valuable labour and much British capital had been expended, was at length abandoned, agreeably to instructions to that effect from the Secretary of State for the Colonies, during the government of Captain Bligh; the settlers, who were living on it at the time, being unwillingly removed to a settlement called New Norfolk, in Van Dieman's Land. The change of circumstances experienced by these settlers, of whom there were no fewer than eighty so early as

the year 1791, was by no means so favourable as they had been induced to anticipate; but the island was again taken possession of in the year 1825, during the government of Sir Thomas Brisbane, and it is now occupied as a penal settlement for the colony of New South Wales.

Throughout the whole period of his government, Captain Phillip endeavoured, with a zeal and perseverance, which evinced the correctness of his judgment and the benevolence of his disposition, to conciliate the aborigines of the territory. It was scarcely possible entirely to prevent the injuries they were likely to receive on the part of the wretchedly depraved population which had been landed on their shores; but he uniformly punished such aggressions, when they could be brought home to any particular individual, although it not unfrequently happened that either the aggressor himself or some other white man speedily fell a victim to savage revenge. In humanely endeavouring, on one occasion, to conciliate a large party of the aborigines who had assembled near the mouth of the harbour, by advancing among them alone and unarmed, the Governor was himself speared by a black native, of a tribe residing at some distance from the settlement, who had probably never seen a white man before: but the wound not proving fatal, and the Governor having ascertained that the spear was thrown by the native under misapprehension of his intentions and in self-defence, all measures of retaliation were strictly prohibited.

But all the efforts of the Governor, as well as of other

humane individuals in the colony, to effect the permanent civilization of any of that miserable people, proved utterly abortive. There was no difficulty in inducing individuals of their number, particularly the young, to reside for a time in European families, and to acquire the habits and learn the arts of civilization; but sooner or later they uniformly rejoined the other children of the forest, and resumed the habits of savage life. Bennelong, an intelligent native, of some consequence in his tribe, had been domesticated in the Governor's family, and could acquit himself at table with the utmost propriety. On returning to England, Captain Phillip carried him along with him, and introduced him as an interesting specimen of the aborigines of the colony, in many of the highest circles in the mother country: on returning, however, to his native land, Bennelong speedily divested himself of his European attire, and rejoined his tribe as a naked savage, apparently unimproved in the least degree by his converse with civilized man.

In the year 1788, the number of the aborigines inhabiting the shores of Port Jackson was very considerable: a disease, however, somewhat resembling the small-pox, which appears to have prevailed among them to a great extent, shortly after the establishment of the colony, thinned their ranks very sensibly, and left only a comparatively small number to inherit the invaded patrimony of their forefathers. Numerous dead bodies were from time to time found by the colonists in all directions in the vicinity of the harbour, in the very attitude in which the wretched individuals had died

when abandoned by their tribe from fear of the pestilence. Besides, the natives could not be supposed so utterly devoid of understanding as not to perceive that the occupation of their country by white men was likely to diminish their means of subsistence. "White-fellow come," said an intelligent black native, of a tribe residing beyond the Blue Mountains a few years ago;—"White-fellow come, kangaroo all gone!" This impression, heightened to madness, as it must often have been, by the positive aggressions of the convicts, led not unfrequently, in the earlier years of the colony, to the desultory and abortive, but murderous efforts of savage warfare. *Commandoes*,* as they are called by the Dutch colonists of South Africa, (for I am happy to say that the English language does not afford a word expressive of the idea,) were of course fitted out against the wretched aborigines; and many of their number, I believe often with but little necessity, fell before the bullets of the military. There is black blood, at this moment, on the hands of individuals of good repute in the colony of New South Wales, of which all the waters of New Holland would be insufficient to wash out the deep and indelible stains! But the vicious example of the convict population of the colony has already done much more to extinguish the miserable remnant of this degraded race, in all the more populous districts of the territory, than could have been effected, in a much longer series of years, by the united agency of war and famine and pestilential disease!

* Murderous expeditions against the aborigines of a country forcibly taken possession of by Europeans.

It seems, indeed, to be a general appointment of Divine Providence, that the Indian wigwam of North America, and the miserable bark-hut of the aborigines of New Holland, should be utterly swept away by the flood-tide of European colonization ; or, in other words, that races of uncivilized men should gradually disappear before the progress of civilization, in those countries that have been taken possession of by Europeans. Humanity may interpose, for a season, for the preservation of the savage man, and the Christian missionary may endeavour, successfully perhaps in some instances, to raise him from the darkness and the slavery of heathenism to the light and liberty of the gospel ; but European vice and demoralization will, even in free colonies, ere long infallibly produce a rich harvest of misery and death among the choicest flowers of the forest ; and the miserable remnant of a once hopeful race will at length gradually disappear from the land of their forefathers, like the snow from the summits of the mountains on the approach of spring !

Governor Phillip did all, I believe, which a governor could be expected to do, in the peculiarly unfavourable circumstances in which he was placed, for the encouragement and reward of industrious and virtuous persons, and the repression of open immorality. Observing, immediately after the formation of the colony, a tendency to the establishment of a system of profligacy, which was afterwards introduced, and but too generally countenanced, by the practice of men of influence in the territory, he endeavoured, in an address which he delivered to all the inhabitants of the colony on the 7th of

February, 1788, when the act of parliament, establishing the colonial government, was publicly read, to point out the evils that would infallibly arise from such procedure, and “strongly recommended marriage to the convicts, promising every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion.” And the good effect of this highly politic and Christian recommendation was very speedily apparent; for during the ensuing week no fewer than fourteen marriages were solemnized among the convicts.

In direct opposition, moreover, to an absurd idea which seems to have been taken up by one of his successors, viz. “that the colony was intended exclusively for convicts, and that free people had no right to come to it,” Governor Phillip very speedily perceived the important advantages which the colony was likely to derive from the settlement of virtuous and industrious families of free emigrants in its territory; and accordingly recommended to the home government to hold out every encouragement to such emigrants, and to afford them every assistance.

The following extracts from Governor Phillip’s communications on this subject to the Secretary of State may not be peculiarly interesting to the general reader, but they cannot fail to be interesting to all the respectable inhabitants of New South Wales; as they serve not only to throw much light on the views and objects of the benevolent founders of that colony in regard to its ultimate character and destination, but to furnish a

complete refutation of the preposterous idea to which I have just alluded :—

“ Sydney Cove, Feb. 12, 1790.

“ Here I beg leave to observe to your Lordship, that if settlers are sent out, and the convicts divided amongst them, this settlement will very shortly maintain itself; but *without which the country cannot be cultivated to advantage.* * * * The labour of the convicts *employed in cultivation* has been very short of what might have been expected.”

“ Sydney Cove, Feb. 13, 1790.

“ As the land for several miles to the southward and twenty miles to the westward of Rose Hill, (now Parramatta,) that is, to the banks of the Hawkesbury, is as fine land for tillage as most in England, some few spots excepted, I propose that tract for the settlers who may be sent out. As the labour of clearing the ground of timber will be great, I think each settler should not have less than twenty men on his farm, which I suppose to be from 500 to 1000 acres. It will be necessary to give that number of convicts to those settlers who come out, and to support them for two years from the public stores. In that time, if they are industrious, they will be in a situation to support themselves, and I do not think they would be able to do so in less time. At the expiration of two years, they may return half the convicts they have been allowed, and would want no farther assistance from Government.”

“ Sydney Cove, June 17, 1790.

“ If settlers are sent out, *many difficulties will be re-*

moved: they may choose the situations to which I cannot at this moment detach convicts; and I have had the honour of observing, in my former dispatches, that settlers appear to me to be absolutely necessary.

“As I thought the first settlers sent out might require more encouragement than those who might come hereafter, I proposed, in my last dispatches, giving them a certain number of convicts for two years, and supporting them during that time at the expense of the Crown. Much will depend on ensuring the success of the first settlers sent out; who, I presume, will be good farmers: the assistance proposed for them will certainly put them at their ease, if they are industrious; and would not, I apprehend, be any great loss to the Crown.

*“I am desirous of securing the success of the first settlers. * * * The river Hawkesbury will, I doubt not, offer some desirable situations; and the great advantages of a navigable river are obvious.*

“In addition to the officers I shall be able to send to Norfolk Island, I presume that two or three magistrates will be necessary. If settlers come out for that island, perhaps some amongst them may be found to answer the purpose.”

“Sydney Cove, July 17, 1790.

“The consequence of the failure of a crop when we no longer depend upon any supplies from Great Britain will be obvious; and to guard against which is one reason for my being so desirous of having a few settlers, to whom, as the first, I think every possible encouragement should be given. In them I should have some resource, and amongst them proper people might be found

to act in different capacities, at little or no expense to Government: for as the number of convicts and others increase, civil magistrates, &c. will be necessary."

The following extract from a letter addressed to Governor Phillip by Mr. Secretary Dundas, *previous to the date of any of the Governor's dispatches above quoted*, will place this matter in a still clearer light, and exhibit the original intentions of His Majesty's ministers, in regard to the organization and constitution of colonial society, in a very interesting point of view:—

“ Downing Street, Feb. 10, 1790.

“ Such settlers as have determined to go will embark in about six weeks with a master-miller and a carpenter. What the number of settlers may amount to, I cannot at present ascertain; but I think it will fall short of that stated in my last letter (No. 2.) as having made proposals to Government.” Parliamentary Paper, 1792.

It was in consequence of these recommendations, on the part of the first Governor of New South Wales, that several families of free emigrants were conveyed to the colony, at the public expense, in the year 1796, and that the free emigrant settlement of Portland-Head on the banks of the Hawkesbury was formed in the year 1802. The families who emigrated to New South Wales at these periods, were allowed a free passage to the colony, at the expense of Government, a grant of land in the territory, and rations, for eighteen months after their arrival, from the king's stores.

Governor Phillip's practice was in perfect accordance with the idea he had thus formed in regard to the best mode of promoting the advancement and prosperity of the colony; for of the first four grants of land that were made to private individuals in New South Wales, three—comprising an extent of two hundred and sixty acres—were made to persons who had arrived free in the colony, and one—comprising an extent of thirty acres—to an emancipated convict. These grants were all given on the 30th of March, 1791; and the localities assigned them were, the first three on the north, and the fourth on the south side of the creek leading to Parramatta, now called the *Parramatta River*. On the 5th of April following, grants of sixty acres each were given, at the dependency of Norfolk Island, to forty marines, who chose rather to remain in the colony as free settlers, than to return to England with the detachment to which they belonged, and which was then ordered home. On the 18th of July, 1791, twenty-three emancipated convicts were admitted as settlers, having grants of twenty, thirty, or fifty acres allotted them, according to circumstances—some at Prospect, a few miles to the westward of Parramatta; and others between that settlement and the town of Sydney. And on the 17th of August following, twenty additional emancipated convicts received grants of land; ten of ten acres each in Norfolk Island, and the other ten of thirty, fifty, or sixty acres in New South Wales. In all, therefore, eighty-seven grants of land had been given by Governor Phillip up to the 18th of August,

1791; forty-three to persons who had arrived free in the colony, comprising an extent of two thousand six hundred and sixty acres; and forty-four to emancipated convicts, comprising an extent of one thousand five hundred acres.

To each emancipated convict who chose to settle in the colony on the expiration of his sentence, Governor Phillip allotted thirty acres of land; fifty acres if he was married, and ten acres additional for every child in his family. The settler of this class was also allowed clothing and rations for himself and family from the king's stores, for twelve or eighteen months, together with the necessary implements of husbandry and seed to sow his ground the first year. Two female pigs were added by way of farther indulgence, from the Governor's private stock, to enable the settler to raise a stock of that useful domestic animal for himself; as there was no live stock of any kind in the colony, at the time in question, belonging to the Crown.

These measures sufficiently evince the theoretical excellence of the system of transportation to New South Wales, as originally devised by the British legislature, and carried into operation by Governor Phillip: they also evince the peculiar adaptation of the means employed for attaining the main object of the settlement of the colony, and the enlightened zeal with which the Governor pursued that object to the utmost of his ability. On the one hand, the length and consequent expense of the voyage to England precluded the convict, on the expiration of the period of his sentence,

from returning thither. I am aware, indeed, that men of morbid sensibility in the mother country have affected to consider this as a great additional hardship. For my own part, as I have very little respect for the patriotism of a thief, or for his love of country, I do think it was not only an allowable, but an admirable device of the legislature, to render the return of such persons to the mother country, in any circumstances, as difficult as possible. On the other hand, the emancipated convict had every inducement to settle in the land of his banishment, and to adopt that mode of life which was certainly the likeliest to wean him from his former habits, and to render him a reputable and a useful member of society. In short, the whole system was admirably devised ; and in order to have proved thoroughly successful, it only required to be managed with the same enlightened zeal and warm benevolence that superintended the first development of its unchecked operation.

The first free emigrant, and indeed the first person of any class in society, who obtained a grant of land in the colony of New South Wales, was a German, of the name of Philip Schoeffer. He had been sent out in the first fleet as an agricultural superintendent, chiefly with a view to attempt the cultivation of tobacco, on account of Government ; as the province of Virginia, from which that article had previously been obtained, had then ceased to be a British colony, and as the soil and climate of New South Wales were supposed likely to prove not unfavourable for its cultivation. Schoeffer's grant was the largest of all those I have enumerated, comprising an extent of one hundred and forty acres.

Unfortunately, however, he had contracted habits of intemperance, and accordingly contrived to get rid of it. He afterwards obtained a grant of fifty acres, in what now constitutes an exceedingly valuable locality in the town of Sydney, but was induced to surrender it to the colonial government for public purposes about the year 1807 ; receiving as a compensation twenty gallons of rum, which was then worth £3 a gallon, and a grant of similar extent at Pitt Water, one of the inlets of Broken Bay. There had been a female convict in the first fleet—a native of the isle of Skye in Scotland—of the name of Margaret M'Kinnon, who had been transported for the crime of arson, having set fire to her neighbour's house in a fit of jealousy. Schoeffer married this woman and settled on his farm at Pitt Water, where he lived many years ; but old age, poverty, and intemperance induced him at length to sell it by piecemeal, and he died at last in the Benevolent Asylum, or Colonial Poor's House. I took the liberty to state the circumstances I have just detailed, in a memorial I addressed to His Excellency General Darling, on behalf of Schoeffer's widow, in the year 1828 ; adding that a Scotch Highlander, who had formerly been master of the band of His Majesty's 46th regiment, and had settled in the colony when the regiment proceeded to India, was willing to maintain the old woman during her lifetime, provided a small compensation should be allowed him by the Government. General Darling was pleased to order a hundred acres of land to be measured off to the Highlander at Pitt Water, pledging the Government that a grant of the ground should be made to him at the old woman's

death, provided it should appear to the Governor that he had fulfilled the terms of his engagement. About a year after this arrangement had been effected, the Highlander died, and old Peggy is now an inmate of the Benevolent Asylum, where in all likelihood she will spend the remainder of her days.* English, it would seem, had been but little spoken in the isle of Skye about fifty years ago, and Schoeffer appears to have dealt chiefly in his mother tongue; for the old woman's conversation, in which every sentence commences with the Gaelic particle *agus* and concludes with the German verb *verstehen*, (used interrogatively to ascertain whether she is fully understood,) is the most singular specimen of the Babylonish dialect I have ever heard. I have introduced this episode, chiefly to point out the sort of accidents on which the acquisition of wealth in a new country not unfrequently depends; for if Schoeffer had only retained his fifty-acre farm in Sydney for about thirty years longer, he could actually have sold it for at

* I was not a little surprised and mortified at the same time to find, from a communication made to me on the subject by the Colonial Government, in the year 1835, that the Highlander's son, a native of the colony, who keeps a public house, had made over all his right and title to the hundred acres of land to Father 'Therry, a Roman Catholic priest in New South Wales; I presume in consideration of having a certain number of masses performed for the soul of every sinner of the family—at the regular chapel price! I wrote to the Government in reply, stating, that neither the Highlander nor his son had ever any right to the land, which belonged to the Benevolent Asylum, and not to Father Therry, who had no claim to it whatever. I made no farther inquiries on the subject; but the circumstance is somewhat instructive, as it shows us how *church lands* used to be acquired—*by clever people—in the dark ages.*

least £100,000, which, at the usual rate of interest in the colony, would have yielded him a permanent income of £10,000 a year.

Governor Phillip was particularly active in exploring the country round Sydney, and in ascertaining its capabilities : he caused an accurate survey to be made of Botany Bay, Port Jackson, and Broken Bay ; and in examining the numerous inlets of the last of these harbours, he was fortunate enough to discover a large river, which he traced for upwards of a hundred miles from its mouth, and named the *Hawkesbury*. The banks of this river, which in the upper part of its course consist chiefly of the richest alluvial soil, were for thirty years afterwards the granary of New South Wales.

It was in conducting the colony, however, with much firmness and discretion, through a period of distressing privation, to which it was subjected by an unforeseen calamity during his administration, and in alleviating the sufferings of the colonists by every means in his power, that Governor Phillip merited the highest commendation. It had been arranged, previous to his leaving England, that the settlement should never be left without a twelvemonth's provisions in the king's stores. In pursuance of this arrangement, His Majesty's store-ship *Guardian* had been despatched from England in the month of August, 1789, with a large supply of provisions and other stores for the settlement. The *Guardian* was commanded by Lieutenant Riou, of the royal navy, an officer of great promise, who afterwards commanded a ship of the line,

and was killed at the battle preceding the seizure of the Danish fleet at Copenhagen ; on which occasion the celebrated Lord Nelson, in alluding to his death in his despatch to government, lamented him as *the gallant and the good Riou*. Captain Riou had gone considerably farther to the southward than the route now generally pursued by vessels bound to New South Wales ; besides, it was the middle of summer when he reached the southern latitudes, and the prevalence of southerly winds for some time before had brought down a quantity of ice from the southward ; for during the night of the 23rd December, 1789, his vessel unfortunately struck an iceberg, in lat. 46° or 47° S. to the southward and eastward of the Cape of Good Hope, and received so much injury that she was almost immediately afterwards nearly filled with water. Finding her almost a complete wreck, Captain Riou assembled the officers, passengers, and crew, and, pointing out to them the state of the vessel, told them that if any of them preferred leaving the ship, they should have boats, provisions, and nautical instruments, to enable them to reach the nearest accessible land ; but that he himself was determined to remain on board while she continued to float. Most of the ship's company and passengers preferred leaving the vessel ; and three boats were accordingly provisioned and manned, and their crews left the ship on their dreary and almost hopeless voyage up the Indian Ocean ; for as westerly winds are the most prevalent in these latitudes, they could not expect to reach the Cape of Good Hope. One of them only had the good fortune, after suffering extreme privations, to

reach the Isle of France, for which, it seems, they had all steered ; the other two never reached the land.

Most providentially for those who remained on board the Guardian, Captain Riou had caused the water-casks to be carefully bunged up, as they had been successively emptied on the former part of the voyage. The vessel, being thus much more buoyant than she would otherwise have been, continued to float, though nearly full of water ; but as she had lost her rudder, in addition to the other damage she had sustained from her collision with the iceberg, she was tossed about at the mercy of every tempest, and her greatly diminished crew were doomed to suffer the severest privations. A French frigate, however, having at length fallen in with her near the Cape of Good Hope, towed her into Table Bay, where she was afterwards completely wrecked in a gale.

The disappointment of the colony at the non-arrival of the Guardian may be easily conceived. It was grievously heightened by the arrival of the Lady Juliana transport, with additional convicts from England, who had been despatched some time after the sailing of the Guardian, in expectation of the previous arrival of the stores forwarded by that vessel. His Majesty's ship Sirius, Captain Hunter, had been despatched to the Cape of Good Hope by way of Cape Horn for a supply of provisions for the settlement, in the month of September, 1788, and had returned to Sydney, after circumnavigating the globe, in May, 1789 ; but that supply was at length nearly exhausted, and famine was already beginning to stare the colonists in

the face ; for in the month of February, 1790, there were not four months' provisions in the colony, even at half allowance.

In these circumstances, Governor Phillip deemed it necessary to divide the settlement, by sending the Lieutenant-Governor, Major Ross, with a number of marines and convicts, to Norfolk Island, where he understood there were resources, which Port Jackson and the country around it did not afford. Major Ross and his officers, with two companies of marines and about two hundred convicts, together with a fair proportion of the remaining provisions and other stores, were accordingly embarked for Norfolk Island, on board His Majesty's ships *Sirius* and *Supply*, and arrived at that island on the 13th of March, 1790. The officers, marines, and convicts, to the number of two hundred and seventy persons, were all safely landed by the 15th ; but the wind suddenly shifting to the eastward, the two ships, containing all the provisions and stores, were immediately after driven to sea. They made the land again on the 19th ; and observing the customary signal on shore, informing them that a landing might be effected without danger from the surf, every exertion was made to bring the vessels into a proper position for that purpose : but, in doing so, the *Sirius* most unfortunately struck on a reef of coral rocks in the roadstead, and was totally wrecked, within sight of the half-famished settlement. In the evening after the frigate struck, the wind freshened again, and it was consequently no longer practicable to effect a landing by boats. As it was considered dangerous in

the extreme, however, to remain longer on board the frigate, a strong hawser was carried out from the wreck, and fixed to a tree on shore, by means of a rope which was floated on shore through the surf by an empty cask ; and by that perilous conveyance Captain Hunter and his ship's company were all successively dragged in safety, through a heavy surf and over a ragged reef, to the land. The weather subsequently becoming somewhat more favourable, the greater part of the provisions was at length happily saved from the wreck ; but the officers' baggage and the other stores were for the most part lost or destroyed in attempting to float them on shore.

When the excitement produced by this distressing calamity had somewhat subsided, the Lieutenant-Governor, finding that there were five hundred and six persons on the island with provisions at half allowance for only a very short period, deemed it necessary, in consideration of the alarming situation of the settlement, and the desperate character of the majority of the convicts, to proclaim martial law in the island. This was accordingly done with great solemnity ; every person on the island, from the Lieutenant-Governor to the meanest convict, testifying his assent to the measure by passing successively under the King's colours. As the Supply had sailed for Port Jackson a few days after the wreck of the frigate, hopes were entertained for several weeks of her speedy return to the island with the joyful intelligence of the arrival of a store-ship with supplies from England : but as week passed after week without any tidings of a vessel, it was at length

concluded that no vessel had arrived, and that the Governor had been obliged, as was actually the case, to send off the Supply to Batavia or the Cape for provisions for the settlement. In this deplorable situation a council of the officers on the island was held on the 14th of May, 1790, and the following "General Order" was published:—

"At a meeting of the Governor and Council, held to consider of the very exhausted state of the provisions in this settlement, and to consult upon what means are most proper to be pursued, in order to preserve life until such time as we may be relieved by some arrivals from England, of which we have been so long in expectation, but probably disappointed by some unfortunate accident having happened to the ships intended for this country; the state of the provisions having been laid before the Council, and the alarming situation of the settlement having been taken into the most serious consideration, the following ratio of provisions was unanimously resolved and ordered to take place on Saturday the 15th instant; viz.:—

"Flour—three pounds per week for every grown person.

"Beef—one pound and a half per ditto; or, in lieu of the beef, seventeen ounces of pork.

"Rice—one pound per ditto.

"Children above twelve months old, half the above ratio. Children under twelve months old, one pound and a half of flour, and a pound of rice per week. In future, all crimes which may by any three members of the Council be considered as not of a capital nature,

will be punished at their discretion, by a farther reduction of the present allowance of provisions." *

In these distressing circumstances, Divine Providence provided a temporary relief for the settlement, equally welcome and unexpected. In the quarter from which it came, it was like the manna that was rained from heaven around the tents of Israel in the wilderness, or rather like the quails that on one occasion fell for an extent of three days' journey around their encampment. "In the month of April," Captain Hunter observes, in his narrative of the proceedings at Norfolk Island, "we found that Mount Pitt, which is the highest ground on the island, was, during the night, crowded with birds. This hill is as full of holes as any rabbit-warren: in these holes at this season these birds burrow and make their nests; and as they are an aquatic bird, they are, during the day-time, frequently at sea in search of food: as soon as it is dark, they hover in vast flocks over the ground where their nests are. Our people, (I mean seamen, marines, and convicts) who are sent out in parties to provide birds for the general benefit, arrive upon the ground soon after dusk, where they light small fires, which attract the attention of the birds, and they drop down out of the air as fast as the people can take them up and kill them. When they are

* The insufficiency of the allowance issued at Norfolk Island, at the period in question, may be judged of even by those who are unaccustomed to such a mode of calculating the amount of provisions required for the sustenance of a healthy person, by comparing it with the ration usually issued to convicts in New South Wales, which is ten pounds and a half of flour and seven pounds of beef per week, with an allowance of tea and sugar.

upon the ground, the length of their wings prevents their being able to rise; and until they can ascend an eminence, they are unable to recover the use of their wings: for this purpose nature has provided them with a strong, sharp, and hooked bill, and in their heel a sharp spur, with the assistance of which, and the strength of their bill, they have been seen to climb the stalk of a tree sufficiently high to throw themselves upon the wing. This bird, when deprived of its feathers, is about the size of a pigeon, but when clothed is considerably larger, for their feathers are exceedingly thick: they are web-footed and of a rusty black colour: they make their holes upon the hills for breeding their young in: they lay but one egg, and that is full as large as a duck's egg. They were, at the end of May, as plentiful as if none had been caught, although for two months before there had not been less taken than from two to three thousand birds every night: most of the females taken in May were with egg, which really fills the whole cavity of the body, and is so heavy, that I think it must fatigue the bird much in flying. This *bird of Providence*, which I may with great propriety call it, appeared to me to resemble that sea-bird in England called the puffin: they had a strong fishy taste; but our keen appetites relished them very well: the eggs were excellent."*

The colonists at head-quarters were in the mean time

* An Historical Journal of Transactions at Port Jackson and Norfolk Island, &c., by John Hunter, Esq., Post-Captain in His Majesty's navy. London, Stockdale, 1793, pages 180 and 181.

reduced to similar, if not greater extremities, there being no birds, like the Norfolk Island peterel, to be caught near Sydney. The whole colony was for a long time on half allowance ; but even that quantity being found greater than the King's magazines could afford for any length of time, without in all probability subjecting the settlement to the horrors of absolute famine, a farther reduction was ordered. Indeed, the privations and sufferings of the first colonists at this period were extreme. A wealthy and respectable inhabitant of Sydney, who arrived in the colony as a free person during the government of Governor Phillip, has told me that his ration for a long period was merely a cob or single head of Indian corn a day, and that *for three years he had lived in the colony in the constant belief that he should one day perish of hunger!* And yet, strange and unaccountable as it may seem, there was no such thing as suicide heard of in the colony, in these times of real suffering, when Death was, as it were, paying a daily visit to every inhabitant of the country in one of his most frightful forms. It was not until fulness of bread had induced a spirit of pride on the one hand, and of wasteful extravagance and dissipation on the other, that life in New South Wales was in any instance discovered to be a burden too heavy to be borne.

The energy and decision of character, tempered with the utmost humanity, which Governor Phillip uniformly evinced in these trying circumstances, was a powerful means of inducing the colonists to submit to so calamitous a dispensation of Providence with unmurmuring

patience. The Governor received daily the same ration as the meanest convict in the territory ; and on those occasions on which the established etiquette rendered it necessary that he should invite the officers of the colony to dine with him at Government House, he usually intimated that they must bring their bread along with them, as he had none to spare. On one of these occasions a humorous officer is said to have marched up to Government House with his loaf—one doubtless of very small dimensions—stuck upon the point of his sword. Indeed, it was greatly owing to the prudent management of Governor Phillip, that the settlement was not entirely abandoned (for the proposal to abandon it was actually made, but overruled by the Governor) amid the real hardships that attended its original formation. Various interesting traits of his character in this respect are still mentioned with interest by the older inhabitants of the colony : one of these is sufficiently characteristic :—On seeing any person with a dog in the course of his walks through the settlement, indignant at the maintenance of a useless mouth in the colony, and yet desirous that the owner of the dog should have a more valuable domestic animal, he would say, “ Kill your dog, sir, and I will order you a pig from the store.”

During this period of suffering, the whole of the live stock belonging to Government, which had been brought to the colony from the Cape with so much trouble and at so great an expense, was killed for the subsistence of the settlement ; and as the insufficiency of the ration issued from the King's store induced a

state of extreme bodily exhaustion, all the Government works were suspended, and every person, whether free or bond, was allowed to employ himself for his own benefit as he chose.

The long-expected relief at length arrived. In the end of June, 1790, three transports arrived in Port Jackson, containing part of the stores which had been saved from the *Guardian*; and in the course of the year following, His Majesty's ship *Gorgon*, which had been converted for the time into a store-ship, together with ten transports containing convicts, and constituting what has ever since been known in the colony as the *Second fleet*, also arrived. On board these vessels there had been embarked in England one thousand six hundred and ninety-five male, and sixty-eight female convicts, of whom no fewer than one hundred and ninety-four males and four females died on the passage out; and such was the state of debility in which the survivors landed in the colony, that one hundred and sixteen of their number, viz. one hundred and fourteen males and two females, died in the Colonial Hospital before the 15th of December, 1791.

Indeed, the mortality, both on shore and on the voyages undertaken to and from the colony in the earlier years of its existence, was great beyond all comparison with the experience of later years. In the transports that are now hired by Government to convey convicts to New South Wales, the average mortality is perhaps not greater than two or three deaths for each vessel during the passage out; and there are frequent instances of vessels arriving from England without

having had a single death during the voyage. In the second fleet, however, the average mortality was twenty for each vessel; and the survivors, it would seem, were half-dead, or at least quite unfit for labour when they landed.* This argues a prodigious change for the better in the system of transportation, in so far as relates to the passage out, equally creditable to the

* Mr. E. G. Wakefield has stated, in his evidence before a Committee of the House of Commons, that the mortality during the passage out amounted, in the earlier times of the colony, to one half of the whole number embarked in many instances, and in some, if I am not greatly mistaken, (for I mention the circumstance merely from memory,) to two-thirds of the original cargo. For my own part, I have never heard of any such mortality on the voyage to New South Wales. Great abuses were undoubtedly practised, so long as convicts were carried out by contractors at so much per head; for it appeared, on an investigation which was instituted in the colony at the suggestion of Captain Parker, of His Majesty's ship *Gorgon*, that some of the captains of transports had very much abridged the convicts of the allowance stipulated by Government for their subsistence; this inhuman practice having been carried to such an extent in some of the ships, that many of the convicts had been literally starved to death. Still, however, I am confident that Mr. Wakefield's statement is greatly exaggerated. From a parliamentary return, ordered by the House of Commons to be printed, 6th May, 1816, containing an "Account of the number of convicts who have died in their passage to New South Wales, since the year 1810," it appears, that of nineteen ships, on board of which 3371 convicts had been embarked, there was one ship, *The Friends*, in which no death had occurred during the passage; four in which the deaths were one in each; five in which there had been two deaths in each; two in which there were three deaths; three in which there were four; one in which there had been five; one in which there had been ten; one in which there were as many as thirty-four deaths out of three hundred convicts; and one, *The Surrey*, in which there had been no fewer than thirty-six deaths, out of two hundred convicts. In the last of these vessels, a malignant fever, of which the captain, the first and second officers, and several of the crew died, had prevailed during the passage. No such calamity has occurred during the last twenty years.

British Government, and gratifying to the philanthropist.

The mortality on shore during the first years of the colony, contrasted with the universally acknowledged salubrity of the climate of New South Wales for many years past, may easily be accounted for. It arose,—

1st, From the effects of the very inferior system of management on ship-board during the voyage out, as evinced in the case of the convicts of the second fleet, contrasted with the high state of health in which convicts now generally arrive in the colony.

2nd, From long confinement to a ration of salt provisions, sometimes of inferior quality, and generally in insufficient quantity; and

3rd, From the mental despondency which an insufficient allowance of provisions, conjoined with the miserable prospect which the colony then appeared to hold forth to all parties, naturally induced.

The sufferings experienced from the second of these causes on board the vessels constituting the first fleet, on their return to England from Port Jackson, were exceedingly great. Four of these vessels sailed from Sydney, by the northern passage, round the continent of New Holland, under the command of Lieutenant Shortland, agent for transports, in the month of May, 1788: but two of their number being separated from their leader, in a gale off the coast to the northward of Port Jackson, stood to the southward, and, doubling the south cape of Van Dieman's Land, reached Rio de Janeiro by the western passage, in such a state of extreme debility and exhaustion, however, that if a fri-

gate then on the Brazilian coast had not sent her boats to assist them, they would not have been able to work up to the harbour. Lieutenant Shortland proceeded with the two remaining vessels to Batavia; but the scurvy attacking first the one ship's company, and then the other's, so many on board both vessels died, and so many of the remainder were rendered utterly unfit for service, that he was obliged to scuttle and sink one of the ships off the island of Borneo.

The sufferings that were thus experienced by all parties connected with the original establishment of the colony of New South Wales were taken advantage of by ignorant or designing persons, to induce numbers of the convicts, and especially the Irish convicts, who, in the colonial phrase, are generally *no scholars*, to attempt the most desperate expedients to escape from the colony. Under the idea of finding a Chinese settlement to the northward, parties were ever and anon made up to travel overland to China; and many individuals, who either perished of hunger or were speared by the natives, speedily fell victims to this strange infatuation. At one time no fewer than forty convicts were absent from the settlement on the way to China!

After the arrival of the second fleet in the year 1791, the affairs of the colony began to wear a more favourable aspect, and the prospect for the future was, on the whole, rather encouraging, when Captain Phillip, whose health had for some time been in a declining state, resigned the government of the colony, and embarked for England on the 11th of December, 1792; having administered its affairs with much credit to

himself, and with general satisfaction to the little community, for nearly five years. During the remainder of his life he lived at Bath, and had a pension of £400 a year allowed him, for his services in establishing the colony, by His Majesty's Government.

CHAPTER III.

GENERAL STATE OF THE COLONY DURING THE
ADMINISTRATIONS OF GOVERNORS HUNTER AND
KING.

“ And they sent *the coat of many colours*, and they brought it to their father, and said, This have we found: know now whether it be thy son's coat or no.”—GENES. xxxvii. 32.

IN the years 1790 and 1791, a military corps, designated *The New South Wales Corps*, which was afterwards embodied as the 102nd regiment of the line, was raised in England for the service of the colony. That service, it may naturally be supposed, was not considered, at so early a period in the history of the Australian colonies, either as the most dignified or the most enviable in which a British officer could be engaged; and commissions were consequently procurable in the New South Wales Corps on much easier terms than in certain other military bodies, such as the *Guards* or the *Blues*. It was, therefore, quite possible that gentlemen might have found their way into that corps who possessed, only in a very limited degree, that honourable high-mindedness which should ever constitute the proud distinction of the British officer; combining, as he is supposed to do, the elegant accomplishments of the

scholar with the unexceptionable morals of the reputable citizen, and holding in equal abhorrence the practices of the pettifogging dealer and the profligacy of the rake. And if this was actually the case, it was not to be wondered at, that members of the corps I allude to should, in process of time, be found sullyng their hands with the slime of colonial pollution, and banded together, on every proper occasion, to maintain, by violence or injustice, what they had obtained by the sacrifice of honour. In short, (for I have no wish to be a dealer in enigmas) I am decidedly of opinion, that the formation of the New South Wales Corps was, both in a moral and political sense, the most ill-advised and unfortunate measure that the British Government could possibly have adopted towards their infant settlement on the coast of New Holland ; and that, like the wrath of Achilles to the Greeks, *it entailed ten thousand sorrows* on the colony of New South Wales.

The greater part of the New South Wales Corps arrived in the second fleet ; and, as Captain Phillip's successor did not arrive till the 7th of August, 1795, the government of the colony was administered, for nearly three years, by the commanding officers of that regiment ; first by Major (subsequently General) Grose, and afterwards by Captain (subsequently Lieutenant-Colonel) Patterson, as lieutenant-governors of the territory. Of the public character of the former of these gentlemen, who was a near relative of the famous antiquary of the name, I am unable to speak definitively, excepting that the first use he made of his power was

to merge the civil in the military authority, or rather to set aside the former in great measure altogether ; but Captain Patterson appears to have been a highly intelligent and amiable man, who did not choose, however, to hold the reins of government with a tight hand, but allowed things to take their natural course. The taste for governing on the small scale, and the means of rendering the resources of the Government indirectly subservient to their own private interests, which were thus acquired by the officers of the New South Wales Corps, were likely, even in less favourable circumstances, to have operated afterwards as a drag on the wheels of the colonial state-carriage, impeding its motions and rendering its progress irregular and uncertain. In conformity to what might thus have been expected, the history of the colony, for the next fifteen years, exhibits little else than a series of struggles for the mastery, between the Governor on the one hand and that powerful and influential body on the other ; till at length, the warfare, which had long been carried on covertly and by means of private representations to the authorities at home, assumed a less doubtful character ; insomuch that the corps proceeded at last with open violence to wrest the reins of government out of the hands of His Majesty's Representative, and actually forced him out of the colony !

The extraordinary fluctuations in the value of articles of domestic consumption, to which the colony was subject for many years after its original establishment, and the extraordinary profits that were not unfrequently realized on the investment of a small capital in mercan-

tile speculation, afforded the officers of the New South Wales Corps both a temptation and an excuse for endeavouring to eke out their military income, which in such circumstances was often inadequate enough, by engaging either directly or indirectly in such speculations. The position, moreover, which they held for a considerable time in the colony, afforded them singular advantages in this respect; for as the King's stores contained whatever was supposed necessary for the comfortable subsistence of the settlement, there were ways and means of procuring from that source occasional supplies of useful articles at prime cost, which could afterwards be retailed at an enormous profit. The article *then*, and indeed ever since, in most frequent requisition throughout the colony, was rum; and in process of time it came to be established as a general rule, that there should be certain periodical issues of that article (as, for instance, on the arrival of a merchant-ship) to the officers of the corps, in quantities proportioned to the rank of each officer.

The business of buying and selling, especially when attended with unreasonable profits, is so apt to foster the selfish feelings, and holds out so many temptations to the indulgence of a grovelling disposition, that I have often thought it would be good policy in a Government administering the affairs of one of those money-making communities called colonies, to countenance and encourage what are commonly called the liberal professions, if it were only because they have a powerful tendency to bring into play the higher and nobler feelings of our nature. Certain it is, that the

man, who devotes all his energies to the mere concerns of buying and selling, will at length come to estimate every thing, not according to what it is really worth, but only according to what it will *bring*. In this manner the very expansion of mind, which success in mercantile speculations generally induces, has a tendency to produce a corresponding degree of moral degradation; for the man who begins the world by buying and selling oranges, which is a lawful employment, and may therefore be honestly engaged in and honestly conducted, will perhaps end the matter by buying and selling seats in the British Parliament; i. e. by buying and selling the liberties of his country, which it is as infamous to buy as it is traitorous to sell.

Whether a process of this kind was in progress in the New South Wales Corps, it is not necessary to determine: certain it is, that instead of occupying the high standing which it was incumbent on gentlemen of an honourable profession to have uniformly maintained, especially in a convict colony, the officers of that corps, from being buyers and sellers in general, gradually conceived the idea of establishing themselves as the only buyers and sellers in the colony. When a merchant-ship arrived in the harbour, the officers of the corps got the first sight of her Manifest and the choice of her cargo; and they had ways and means of allowing the free or emancipated convict-merchant to follow only at a humble distance in their wake. In short, the Honourable the East India Company were not the only military trading company, at the period in question, beyond the Cape of Good Hope. In the sale of tea and

other India or China produce, of West India rum or Bengal arrack, and of soft goods or hardware of British manufacture, their example was diligently and successfully copied on the small scale by their military brethren in New South Wales.

The retail-trade was in the mean time variously managed. Most of the non-commissioned officers of the Corps had licenses to sell spirits; and in this manner the superfluous rum of the regiment was disposed of to the greatest advantage. It may be questioned, indeed, whether this was altogether in accordance with the declared intentions of the British Government, either in regard to the colony as a place for the reformation of convicts, or in regard to the duties of those to whom their moral guardianship was entrusted; but then a much more important question recurs; for in what other way could the gentlemen of the New South Wales Corps have disposed of their surplus rum?

I have already pointed out the salutary effects of Governor Phillip's recommendation relative to marriage. Had that recommendation been followed up by a suitable practice on the part of those into whose hands the government of the colony subsequently fell, the result, I am quite confident, would have been gratifying in the extreme. But the officers of the New South Wales Corps were neither all married, nor all virtuous men. Some of them, it is true, lived respectably with their families, and set a virtuous example to the colony, even in the worst of times; but the greater number took female convicts of prepossessing appearance under their protection, and employed them occasionally

in the retail-business. In so small a community as that of New South Wales, at the period in question, a *liaison* of this kind could scarcely be concealed. In fact, there was no attempt at concealment: decency was outraged on all hands; and the prison population laughed at their superiors for outdoing them in open profligacy, and naturally followed their example!

In a colony established for such purposes as that of New South Wales, it was doubtless a matter of the highest importance, nay, even of absolute necessity, that the officers, whether civil or military, in connexion with the government of the colony, should, in the first instance at least, have been married men—men of established moral character; and no person can doubt for a moment, that it was quite in the power of the Home Government to have found persons of this description in sufficient number to have enabled them to give appointments in the colony to such persons exclusively. It unfortunately happened, however, in the earlier times of the colony, that a large proportion of the civil and military officers of the settlement were unmarried men, of loose principles and dissolute habits; who, setting at defiance the laws of God and the opinions of virtuous men, lived in a state of open and avowed profligacy, thereby setting an example which was but too generally followed by the convicts, and the demoralizing and debasing influence of which is still widely perceptible throughout the territory. For it is a lamentable fact, in the history of New South Wales, that the progress of reformation, which, under a judicious system of management, and under the guidance of virtuous and

philanthropic men, would have been rapid and general among the convicts, was checked at the very outset, and has ever since been counteracted at every step, by the vicious practice and the demoralizing example of a large proportion of the free inhabitants of the colony.

It was not to be supposed that such a system as the one I have described, in regard to the New South Wales Corps, could be witnessed without much personal annoyance by the earlier Governors of the colony, or borne without much murmuring and complaint by the colonists. Acrimonious bickerings on the subject were in consequence incessant ; but every endeavour to put down the obnoxious system was unavailing, and was only met by reiterated clandestine complaints to His Majesty's Ministers, on the part of the injured officers of the corps, which, unfortunately for the colony, were not unfrequently too successful. Besides, there were ladies, connected with the New South Wales Corps, who could wield tongues and hands in support of the favourite system, as well as their protectors could wield pens and swords ; and the armed confederacy was consequently much too strong for the *sailor-officers*, who successively stood singly at the helm of the little colonial state-vessel for the first twenty years after she was launched, and who accordingly relieved each other with a rapidity, which, for so distant a colony, and so apparently undesirable a situation as the governorship of Botany Bay, was perfectly unaccountable.

The second Governor of New South Wales was John Hunter, Esquire, Post-Captain in the Royal Navy. Captain Hunter was a native of Scotland, and had been

appointed, in virtue of a special Order in Council, second captain of the *Sirius* frigate, in the year 1787, Captain Phillip having the temporary command of that vessel during the voyage to New South Wales, as well as the general command of the expedition for the establishment of the colony. In this capacity, Captain Hunter had made great exertions and undergone great privations; and the experience he had thus acquired was well calculated to qualify him for the more important charge with which he was afterwards entrusted. After the wreck of the *Sirius* and his long detention at Norfolk Island, Captain Hunter had returned to England in the Dutch transport ship *Waaksamheyd* (Anglicè *Activity*), which had been hired at Batavia to carry provisions to the colony, and was afterwards purchased on account of the Government to convey Captain Hunter, with his officers and crew, to England.

Captain Hunter assumed the government of the colony on the 7th of August, 1795. During his government, the first free settlers, who emigrated to New South Wales in pursuance of Governor Phillip's recommendations, arrived in the territory; and one of their number—a Scotchman from the neighbourhood of Edinburgh, whose sons are now substantial landholders in different parts of the territory—has told me, that the Governor went with him in person to superintend the measurement of his land, and to ascertain in what way he could promote his settlement, and render it as comfortable as possible. Indeed, Governor Hunter appears to have been a man of sound judgment, unexceptionable principles, and warm benevolence; and had he not

been counteracted by the influence and the practices I have already described, the colony would have prospered greatly under his administration, and profligacy would have hidden her head and been ashamed.

As a specimen of the sort of counteraction to which the earlier Governors of the colony were not unfrequently subjected, in making arrangements for the general benefit of the settlement, as well as of the spirit in which such interference was regarded by Governor Hunter, I relate the following anecdote, of the period I refer to. A mean and disreputable practice has all along prevailed in the colony of New South Wales, both in regard to Governors and to private individuals of respectable standing in colonial society, viz. that of sending home clandestine, and of course generally false information, relative to their private character or public procedure; either to His Majesty's Ministers, in the case of Governors, or to those influential persons or public bodies with whom it is of consequence to the other individuals I allude to to stand well. Captain Hunter was, on one occasion, the subject of the private communications of some colonial informer-general of this kind; but His Grace the Duke of Portland, who then presided over the department of the Colonies, would not suffer an honest man to be thus stabbed in secret, and accordingly sent back the identical letter he had received, without note or comment, to the Governor. Captain Hunter handed it one day after dinner to a Scotch medical officer, who happened to be dining with him at Government House. "You will surely take notice of this, Governor," said the officer. "No,"

replied Captain Hunter; "the writer of this letter has a family; and if I should take any notice of it, I should only ruin his family. I will rather let him alone."

Governor Hunter soon found that the machine of government was not likely to move as it ought, while its wheels were clogged in the manner I have described. He accordingly represented the actual state of the colony in this important respect to the authorities at home, and, to remedy the existing evils I have mentioned, strongly recommended that the New South Wales Corps should as speedily as possible be relieved by a detachment of marines—a species of force, which ought, indeed, never to have been changed, so long as the government of New South Wales was entrusted to an officer of the navy. These representations appear to have been attended to; for some time afterwards a large body of marines was actually under orders to embark for the colony to relieve the New South Wales Corps; but the exigencies of the war with France rendering their services necessary at the time in some other quarter, their destination was subsequently changed.

The importance of the measure he had thus recommended for the future government of the colony, and the state of uncertainty in which he was long placed by the artful manœuvring of parties, whose interests were diametrically opposed to such arrangements, at length induced Governor Hunter to embark for England; which he did accordingly, in the month of September, 1800, to represent the state of the colony in person to His Majesty's Government. On his arrival

in England, it was understood for some time, both by himself and his friends, that he would return to New South Wales, to resume the government of the colony; but whether any adverse influence had been employed by individuals connected with the colony to prevent his return, or whether a more favourable prospect had in the mean time opened to him in the mother country, I am not aware: at all events, he never returned to New South Wales.

Shortly before the arrival of Governor Hunter, Messrs. Muir, Palmer, Skirving, Margarott, and Gerald, who had all been tried and found guilty of *stimulating the people of Great Britain to effect a reform of Parliament* in the year 1793, arrived in the colony under sentence of transportation;* Mr. Palmer—who had been a clergyman—for seven years, and the others for fourteen. Mr. Gerald, who was a native of the West Indies, died of consumption on the 16th of March, 1796; and Mr. Skirving of dysentery—probably induced by the use of salt provisions—three days after. Mr. Margarott, I believe, lived to return to Scotland on the expiration of his period of transportation; and Mr. Palmer, if I recollect aright, died subsequently on his way to England. Mr. Muir's history is well known. He was of highly respectable parentage in the west of Scotland,

* The sentence passed on these unfortunate men was not merely harsh and vindictive, but absolutely illegal. By the law of Scotland, on which they were tried, they could only have been sentenced (under the statute of leasing-making, which was passed previous to the union,) to banishment from that kingdom; transportation, or banishment to a penal settlement, being then unknown to the Scottish law.

and had practised as an advocate at the Scottish bar. His case having excited a deep interest in America, the *Otter*, an American vessel bound for the north-west coast of that continent, was hired by certain gentlemen in Philadelphia or New York to touch at Port Jackson, for the express purpose of carrying him off from the colony. The plan proved successful; and, on effecting his escape, Mr. Muir left a letter to the Governor, stating that he did not intend to infringe the laws of his country by returning to Great Britain, but that he would endeavour to reach America, where he would practise as a barrister till the expiration of his sentence should allow of his returning to Scotland. The *Otter* was unfortunately wrecked on the west coast of America to the northward of California; but Mr. Muir was fortunate enough, after suffering much hardship and privation in travelling along the coast, to reach the city of Mexico, from whence he obtained a passage to Europe in a Spanish frigate. The frigate was fallen in with, however, by a British man-of-war off Cadiz; and in the action that ensued and that issued in the capture of the frigate, Mr. Muir was dangerously wounded, part of his brain being actually shot away. In this condition, and when lying apparently dead on the deck of the frigate, he was accidentally recognised by a Scotch officer, who had previously known him, from a small pocket Bible which had been given him by his mother, and which he held in his hand with the grasp of death. The officer humanely concealed the circumstance, but had him conveyed to an hospital on the Spanish coast, where every attention was paid him, and where he recovered

sufficiently to enable him to proceed to Paris, on the invitation of the French government, where he was treated with the most marked attention. He died, however, shortly after,—I believe in consequence of his wound. Mr. Muir had purchased a cottage near Sydney, where he passed his time chiefly in literary retirement. Every thing that enlightened delicacy could suggest had been done by Governor Hunter to render his situation, and that of his unfortunate friends, as little painful as possible; and they were only known and regretted in the colony as men who had themselves experienced all the bitterness of misfortune, but who were still willing to exert themselves to the utmost in relieving the miseries of others.

During the administration of Governor Hunter, agriculture made considerable progress, and the prospects of the colony consequently improved. The houses of respectable individuals were furnished with most of the comforts, and with not a few of the luxuries of life, through the intercourse that had then been recently opened with India; and the years of toil and famine were consequently forgotten. To each of the government or military officers who had agricultural establishments in the colony, Governor Hunter allotted ten convicts as farm-servants, and three as house-servants. To each of the free emigrant settlers he allotted five convicts; to superintendents, constables, and storekeepers, four each; to marine settlers, two; to emancipated convict settlers, one; and to sergeants of the New South Wales Corps, one each. The attempts to introduce cattle into the colony had generally been unsuc-

cessful, most of them having died on the passage; horses, sheep, goats, pigs, and poultry, however, had been introduced in greater numbers. The price of a cow, about a year after Governor Hunter arrived in the colony, was £80; a horse cost £90, and a sheep of the Cape breed £7. 10s.; a breeding-sow sold for £5, geese and turkeys for a guinea, and ducks for 10s. a couple. Mutton was 2s. a pound, goat's flesh 1s. 6d., and butter 3s. Wheat sold for 12s. a bushel, and barley for 10s. Green tea was 16s. a pound, raw sugar 1s. 6d., and soap 2s.

During the government of Captain Hunter, a commodious harbour for small vessels was discovered on the east coast, about seventy miles to the northward of Port Jackson. It was afterwards found that a navigable river, flowing from the westward, discharged its waters into this harbour; and, in following up that river towards its source, two other navigable streams were discovered flowing into it from the northward. The locality around the harbour was subsequently called Newcastle, from the abundance of excellent pit-coal in its immediate vicinity; the main river was named the Hunter, in honour of the Governor, and the two other rivers, the William and the Patterson, in honour of Lieutenant-Colonel William Patterson, the Lieutenant-Governor of the colony. The district watered by these rivers and their tributary streams, is at present, beyond all comparison, the most extensive and the most flourishing, both as a pastoral and as an agricultural district, in the territory. It is now visited twice a week by three large steam-boats, that convey produce and

passengers to and from the capital ; and the rising town of Maitland, situated at the head of the navigation, can already boast of no fewer than from twelve to seventeen public-houses, in which that species of *entertainment for travellers*, of which the New South Wales pilgrim is generally so passionately fond, can be furnished of any strength and in any quantity.

Shortly after his arrival in England, Captain Hunter was appointed to the command of the Venerable, seventy-four. When cruising with that vessel in Torbay, one of the seamen accidentally falling overboard, Captain Hunter humanely ordered her to be put about to pick him up. In executing this manœuvre, the vessel missed stays, ran ashore, and was wrecked. Captain Hunter was in consequence brought to a court-martial for the loss of the vessel, but was honourably acquitted. In the course of the trial, it is reported that when asked what had induced him to put the ship about in such circumstances, he replied (for he was a good man rather than a worldly wise one) that “he considered the life of a British seaman of more value than any ship in His Majesty’s navy.” He was afterwards promoted to the rank of rear-admiral, and spent the evening of his days in the neighbourhood of Leith in Scotland, where he lived universally esteemed, and died in a good old age.

At the period of Governor Hunter’s embarkation for England, the population of the colony amounted to between six and seven thousand souls : of these, about two thousand were settled in Sydney, and the remainder chiefly at Parramatta, Toongabbee, Prospect,

and Castlehill, agricultural settlements to the westward.

The third Governor of New South Wales was Philip Gidley King, Esquire, also a post-captain in the navy. Captain King was the son of a reputable citizen of Launceston in Cornwall. He had evidently received a good education; but having been sent very early to sea, he had acquired a roughness of manners, and an uncouthness of language, which were not likely to increase the number of his friends, but which were, nevertheless, by no means inconsistent with benevolence of disposition. Having served under Captain Phillip on board the *Ariadne* frigate, and the *Europe*, sixty-four, he was the more readily induced to accompany that officer on his appointment to the government of New South Wales; and his services in establishing the subordinate settlement of Norfolk Island had been duly noticed and rewarded by His Majesty's Government, in the year 1791. He had afterwards gone to England a second time during the administration of Captain Hunter; and, on returning to the colony, he had been commissioned to act as Governor, in the event of Governor Hunter leaving the settlement.

Captain King assumed the government of the colony in the month of September, 1800. From the zeal and talent he had exhibited in effecting the settlement of the dependency, or, as it was then called, the colony, of Norfolk Island, it was anticipated that his administration would be distinguished for vigour and general ability: but it by no means follows, that a man, who has acquitted himself to the satisfaction of his consti-

tients in a subordinate capacity, will continue to give equal satisfaction in a higher situation, especially when invested with supreme authority. The possession of arbitrary power not unfrequently develops qualities of mind, which, in other circumstances, had escaped the notice of the keenest observer, and which the salutary consciousness of continued subjection to immediate control would have kept in abeyance. Besides, when a man has gained any considerable eminence on the hill of fortune, he is strongly tempted to suppose that the talent and assiduity which it cost him to reach his actual position, are not necessary to enable him to maintain it ; and he therefore intermits his labours, forgetful that it is much easier to fall in the world than it is to rise. In short, there are few comparatively of the human race—far fewer than one would at first imagine—who are *born to command*.

Governor King was undoubtedly desirous of promoting the welfare of all ranks in the colony ; but he was perhaps seldom judicious enough in selecting and in employing the proper means of attaining his end. Irritable and irascible when thwarted in his measures, as was frequently the case, he seldom evinced the requisite degree of perseverance when unsuccessful ; and he therefore very soon left things to take their natural course, which in the colony of New South Wales, as may well be supposed, was a miserably bad one. He had evidently formed but a low idea of the capabilities of the colony ; and as he found, perhaps at his first trial, that *he could not make farmers of pick-pockets*, to use his own expression, he thought it unne-

cessary to expend farther labour on the fruitless experiment. The comparative unproductiveness of the soil, in the various localities in which the first agricultural settlements were effected, was doubtless unfavourable to the general advancement of the colony in regard to agriculture; but whether it arose from ignorance or from indifference, the means of rendering the colony independent of supplies from beyond seas were for a long period sadly neglected; and the consequence was, that periods of scarcity, approaching even to famine, were not unfrequent, while a vast expenditure of British money was needlessly incurred in importing provisions from India, Batavia, and the Cape.

During Governor King's administration, the population of New South Wales consisted chiefly of those who sold rum, and of those who drank it; and as the general maxim of the colony at that period was, *Make money, honestly if you can, but by all means make money*; it may naturally be supposed that the sellers of this article of universal requisition would include persons of all ranks and professions. I have already shown to what extent the sale of this precious commodity was engrossed by the honourable profession of arms. Sergeant A, Corporal B, and even Private C, if a *useful* and deserving character, had each his licensed house to sell rum by retail, and to prevent, if possible, a consummation so devoutly to be deprecated, as the return of any of His Majesty's emancipated convicts to the paths of virtue; and as Captain D, Lieutenant E, and Ensign F, had each his permit to land thirty or forty gallons of ardent spirits, which were then selling

at £2 or £3 a gallon, from every vessel that entered the harbour, *the supply* (to use the language of political economy) *was equal to the demand*.

Whether Governor King attempted openly to abridge the corps of their ancient privileges, I am not aware ; but he certainly got embroiled with that body in the course of his administration, insomuch that I have had it from good authority, that he was oftener than once apprehensive of being put under arrest. In fact, the privileges of the corps were defended with a boldness and finesse that would have out-generalled a man of much superior ability to Governor King. Of this, I have been told an instance somewhat amusing :—His Excellency having found it necessary to prefer charges against a member of the corps to the Secretary of State, did so accordingly, at considerable length, entrusting his dispatches to an officer who was proceeding, I believe expressly for the purpose, to England : but he was imprudent enough to allow the circumstance to get abroad rather too soon, and the genius of Botany Bay was therefore immediately set to work, to counteract his measures. His Excellency's box was accordingly *picked* of its despatches before it left the colony, and, when opened in the Duke of Portland's office in Downing Street, it exhibited only a number of harmless old newspapers.

It was natural for a man, placed in such circumstances as Governor King, to endeavour to counterbalance the weight of military influence with which he had thus to contend, by throwing something ponderous into the opposite scale. He did so accordingly, by

attempting to bring forward the emancipated convicts as a counterpoise to the corps ; and by what means could His Excellency have secured the attachment of that class of persons more effectually, than by granting them licenses to sell rum ? Such licenses were accordingly dispensed with a liberality and profusion above all praise ; for even the chief constable of Sydney, whose business it was to repress irregularity, had a license to promote it, under the Governor's hand, by the sale of rum and other ardent liquors ; and although the chief jailer was not exactly permitted to convert His Majesty's jail into a grog-shop, he had a licensed house, in which he sold rum publicly on his own behalf, right opposite the jail-door.

A general dissolution of morals, and a general relaxation of penal discipline, were the result of a state of things so outrageously preposterous. Neither marrying nor giving in marriage was thought of in the colony ; and as the arm of the civil power was withered under the blasting influence of the miserable system that prevailed, the police of the colony was wretchedly administered, and virtuous industry was neither encouraged nor protected. Bands of bush-rangers or runaway-convicts traversed the country in all directions, and, entering the houses of the defenceless settlers in open day, committed fearful atrocities.

I have already made honourable mention of the activity and zeal displayed by Captain King in the formation of the settlement of Norfolk Island. On his arrival in the colony for the third time, as Lieutenant-Governor of that island, he had also a commission to

succeed Captain Hunter as Governor of New South Wales, in the event of the retirement of that officer from the government of the colony; and I have been given to understand, on good authority, that it was by keeping Captain Hunter in profound ignorance of the intentions of His Majesty's Ministers, in regard to the future government of the colony, of which he had been personally apprised before leaving England, that the Governor was induced to embark for Europe. Whether Captain King was desirous that Norfolk Island should in no future instance serve as a stepping-stone to the government of New South Wales, as it had done so conveniently in his own particular case, it is difficult at this distance of time to determine: it is at least certain, that, in conjunction with Lieutenant-Colonel Foveaux, he recommended the entire abandonment of that settlement; which was accordingly carried into effect, partly during his own administration, and partly during that of his successor. A more injudicious and impolitic measure, I have no hesitation in saying, could scarcely be conceived; for, whatever objections might have been originally urged against the formation of a subordinate settlement at Norfolk Island, before the principal settlement of Port Jackson was fairly established; common sense would surely have dictated, that, after a settlement had actually been effected on that island, at a vast expense to the Government, and especially after that settlement had been maintained in comparative prosperity for fifteen or eighteen years, it should not be abandoned on slight grounds. The climate of Norfolk Island is salubrious in the highest degree, and the soil,

which is capable of producing all sorts of semi-tropical fruits, of extraordinary fertility. At the period of its abandonment many hundred acres of land had been cleared and brought into cultivation; and many buildings, belonging both to government and to private individuals, had been erected. The quantity of stock on the island, consisting chiefly of cattle, pigs, poultry, and goats, was also very considerable; and it contained a population of not fewer than a thousand souls, of whom a considerable number had been born on the island. The prodigious sacrifice and expenditure implied in the entire abandonment of a remote settlement in such a state of advancement may be more easily conceived than described.

“The ground,” observes Mr. Windham, who was then Secretary of State for the Colonies, in a despatch to Governor Bligh, of date, “Downing Street, 30th December, 1806,” containing directions for the immediate evacuation of Norfolk Island,—“The ground on which this measure was determined on, appears to have been the very great expense at which the settlement was maintained, and the very great difficulty with which a communication between it and Port Jackson was preserved; a difficulty, arising from the danger of approaching an island without a port secure from tempests, or even a road in which ships could safely anchor. On these and other grounds, it seems that an order was conveyed by Lord Buckinghamshire, when Secretary of State, dated June, 1803, for removing a part of the settlement of Norfolk Island to Port Dal-

rymple, or to some other situation on Van Dieman's Land."

In obedience to these instructions of Lord Buckinghamshire, a considerable number of the convicts had been removed from Norfolk Island to Port Dalrymple in the year 1804 or 1805; but, as an evidence of the dispositions of the free inhabitants in regard to that measure, it is sufficient to observe, that only four of them had embraced the offers of government, and withdrawn from the island. His Majesty's ship *Buffalo* had afterwards been despatched by Governor King to carry off as many of the free inhabitants as could be induced to leave the island in the latter part of the year 1805; but its entire evacuation was at length effected during the government of Captain Bligh, in the year 1807, agreeably to the express orders of Mr. Secretary Windham.

In regard to these orders, which were issued in consequence of representations from New South Wales, there was no necessity whatever for maintaining a separate penal establishment on Norfolk Island. Had the convicts been entirely withdrawn, the free inhabitants would have formed a numerous and prosperous community long ago; and would either have constructed a harbour, which, it is reported by intelligent persons, is by no means impracticable, or continued to maintain a communication with Port Jackson, as had been done before, and is now done by the colonial government without one. At all events, if the harsh, injudicious, and expensive measure of its entire evacuation had not been enforced, the settlement of

Norfolk Island would long since have attained a prosperous condition, without entailing any additional expense on the British government; and there would have been no temptation to form a penal settlement on the island, as was done during the government of Sir Thomas Brisbane, after the lapse of twenty years, at prodigious expense to the mother country, and without serving any useful purpose for the colony of New South Wales.

A considerable number of the free settlers at Norfolk Island had originally been marines and seafaring men; and when Colonel Collins, of the Royal Marines, under whom most of them had served in the colony, was appointed Lieutenant-Governor of Van Dieman's Land, they were the more easily induced to embark for that settlement. Colonel Collins had arrived from England in the year 1804, to form a subordinate settlement either at Port Phillip, on the southern coast of New Holland, or in Van Dieman's Land. He accordingly established himself in the first instance at Port Phillip; but finding the land in the immediate vicinity of an unpromising character, he afterwards abandoned that settlement altogether, and proceeded to form another in Van Dieman's Land. Port Phillip is an extensive inlet, running up for thirty-five miles into the main-land of New Holland. Colonel Collins had formed his settlement on the eastern shore of that inlet, where the land is undoubtedly of an inferior description; but it has recently been ascertained that the whole of its western shore consists of land of first-rate quality, whether for grazing or for agriculture; and it is singular enough,

that an extensive emigration has recently taken place to this part of the territory of New South Wales, from the very settlements which were formed by Colonel Collins on its abandonment. During the last two years more than two hundred persons have crossed over to Port Phillip from Van Dieman's Land, in the character of squatters, carrying along with them upwards of thirty thousand sheep, besides horses and cattle, to form a permanent settlement in that highly eligible locality.

During the government of Captain King, several hundred convicts attached to the Government agricultural establishment at Castlehill, about twenty miles to the westward of Sydney, were induced, at the instigation of some of their number who had been concerned in the Irish rebellion, *to strike for their liberty*. They accordingly left the settlement, armed with pikes and such other weapons as they could find. They were encountered by the military under Major Johnston at Vinegar Hill, a few miles beyond Parramatta, on the road to the Hawkesbury. A few of them were shot: several others were taken and hanged immediately, and the rest returned quietly to their labour; nor has there ever been any insurrection in the colony since that period on the part of the convicts.

It was also during the administration of Governor King, that about a dozen families of free emigrant settlers, chiefly from the Scottish border, arrived in the colony; having been induced to emigrate to New South Wales, on receiving a free passage from Government, with the promise of a grant of one hundred

acres of land each on their arrival in the colony, and rations for a certain period afterwards from His Majesty's stores. They arrived in the year 1802. Governor King mustered them on the quarter-deck of their vessel, shortly after their arrival, to ascertain their respective views, resources, and abilities. Observing an old gray-haired man in their number, who acknowledged he had been thirty years in business in London, the Governor exclaimed in astonishment, "One foot in the grave, and the other out of it, what brought you here, old man?" It is somewhat remarkable that Captain King himself should have been the first of the two to have both feet in the grave. The moralizing Governor has been dead, I believe, these many years; but the old gray-haired man was still alive in the colony, and was still able, within the last few years, to perform frequent journeys on horseback from his farm to Sydney, a distance of fifty miles.

The free emigrants I have just mentioned were Presbyterians, and settled on small patches of alluvial land near Portland Head, on the banks of the Hawkesbury. Their settlement has been, beyond all comparison, the most orderly and successful of the kind in the colony; some of them being now wealthy, and the greater number comfortable and independent. The reader may form some idea of the fertility of the district, from the fact that, since its first settlement in the year 1802, several fields have borne a crop of wheat every year without intermission, and in many years even a second crop of maize or Indian corn. The land in question is indeed occasionally flooded during the

inundations of the Hawkesbury ; but for eleven years previous to the year 1830 no flood had been experienced.

The settlement of Portland Head also deserves peculiar credit, for having been the first, I might almost say the only one, in the interior of the colony, to make a voluntary and self-originated effort to provide for itself the regular dispensation of the ordinances of religion. So early as the year 1809, the settlers in that district had erected a church—the first that was ever erected in the Australian territory by voluntary subscription—at a cost of upwards of £400, in the hope of obtaining a minister of their own communion from the mother country ; and from the very commencement of their settlement they assembled regularly every Sabbath for the public worship of God ; one of their number, Mr. James Mein, a venerable old man who died in the colony a few years ago, reading a sermon and presiding in the exercises of praise and extempore prayer, agreeably to the practice of the Presbyterian Church. In a Report of a Committee of the House of Commons on the state of the colony, which was printed by order of the House in the year 1812, the circumstance is mentioned to the honour of that individual and of the settlement to which he belonged ; Governor Bligh having stated in his evidence before the Committee, that “ it was the only case of the kind he had ever heard of during his government of the colony.” I had the singular gratification to dispense the sacrament of the Holy Communion to this little community in the year 1824, according to the hallowed customs of the Scottish

Church. It was the first time it had ever been dispensed on the Australian Continent *in such sort as it is written* in the standards of the Presbyterian communion. There were twenty communicants; and the very peculiar circumstances in which the ordinance was solemnized in the little church—situated on a rising ground on the edge of the forest, and overlooking a beautiful and romantic reach of the noble river—rendered the whole scene the most interesting and the most affecting I have ever witnessed. There is now a Presbyterian minister, of the Church of Scotland, settled in the district.

From his early initiation into the mysteries of a seafaring life, Governor King was rather fond of those practical jokes which constitute the peculiar delight of the younger inmates of the gun-room, and he sometimes indulged his disposition in a way scarcely compatible with the dignity of his office as the representative of majesty. He was standing on one occasion under the verandah of Government House, when a person, who had once been a marine, approached him as a petitioner for a grant of land. “You have been a marine?” said the Governor, recognising the man. “Yes, please your Excellency,” replied the petitioner. “Can you go through the manual exercise yet?” rejoined His Excellency: the petitioner bowed in the affirmative. “Stand at ease, then,” said the Governor: the marine did so. “Shoulder arms:” the marine obeyed. “Right about face:” the marine stood with his face looking down the avenue towards the town. “March,” said His Excellency: the marine accordingly marched down the avenue; and the Governor,

delighted at the success of the joke, walked into Government House without either countermanding the order he had just given, or waiting for the marine's return. I believe, however, he gave the man his grant of land shortly after ; and it was not likely to be any smaller on account of the little piece of innocent pleasantry which he had thus played off at his expense.

Governor King was succeeded in the government of New South Wales by Captain Bligh, of the royal navy, on the 13th of August, 1806. His administration, it must be acknowledged, was, on the whole, unfortunate for the colony ; but the circumstances in which he was placed were exceedingly peculiar, and the difficulties of his situation exceedingly great. The period of his administration, I have been given to understand, was shortened through the underhand representations of those who had been a thorn in his side all along : and in order, I presume, to neutralize the evidence he might otherwise have given at Downing Street, in regard to the circumstances of the colony, a certificate of character was sent home along with him, of such a kind as to induce His Majesty's Ministers to treat him with neglect—a circumstance which, I am credibly informed, embittered the remainder of his days.

CHAPTER IV.

STATE OF THE COLONY DURING THE ADMINISTRATION OF GOVERNOR BLIGH, WITH AN ACCOUNT OF THE ORIGIN AND RESULT OF THE COLONIAL REBELLION OF 1808.

Here—a sheer hulk—lies poor Tom Bowling,
The darling of our crew.

THE fourth Governor of New South Wales was William Bligh, Esq., a post-captain in the royal navy. This officer, it is well known, had been sent out by the Lords of the Admiralty in command of His Majesty's ship *Bounty*, for the purpose of collecting plants of the bread-fruit tree in the South Sea Islands, in order to their being conveyed to the West Indies; as it was supposed that that singular tree would, if cultivated in the West India islands, afford a valuable and economical article of food for the slave-population: but the crew of the *Bounty* having mutinied in the course of their voyage, turned Captain Bligh and his officers adrift in the long-boat, and carried the vessel to one of the numerous groups of islands with which the vast Pacific Ocean is studded, doubtless to lead a life of unre-

strained and licentious indulgence among their half-civilized inhabitants. The misfortune which Captain Bligh had thus experienced in the service, and the superior seamanship and general ability he had displayed, in conducting his boat's crew along the northern coast of New Holland to the little island of Timor, in the Indian Archipelago, together with his other services as a Captain in the navy, having strongly recommended him to His Majesty's Government, he was appointed to succeed Captain King in the government of New South Wales.*

The character of Governor Bligh has at different periods, and according as different parties have successively obtained the management of the colonial press, been pursued with the most unqualified vituperation, and loaded with the most unqualified praise. As is usual in such cases, the truth lies between. That he had faults, I will not attempt to deny; but that he had also redeeming qualities, which in great measure neutralized these faults, and proved him to be a much better man than the greater number of his enemies, will, I conceive, appear equally evident from the following sketch.

* A second object of the expedition of the *Bounty* had been to explore Torres Straits, or the passage between New Holland and New Guinea. On the unfortunate termination of that expedition, Captain Bligh was authorized to fit out two vessels in whatever way he might think proper, to proceed a second time to the South Seas for the accomplishment of the same important objects. On that second expedition he was entirely successful; while His Majesty's ship *Pandora*, which had been despatched in the mean time in search of the mutineers of the *Bounty*, was lost in Torres Straits.

I have not been able to ascertain the tenor of Governor Bligh's instructions relative to the New South Wales Corps; but the first object which he undertook with might and main on his arrival in the colony, was the abolition of the military monopoly, and especially in the article of ardent spirits. This monopoly (for such it was in reality) was every where spoken against by those who wished well to the colony. Its evil effects were every where apparent. With a view to its discontinuance, Governor Hunter had recommended to His Majesty's Government to recall the corps forthwith to England; and fortunate indeed would it have been for the colony, had that recommendation been attended to. But as there is reason to believe that Captain Hunter was himself removed from the government of New South Wales by that very influence against which he had borne testimony, it was not likely that the gangrene which he had failed to eradicate from its body politic so soon after its first appearance, would readily yield to the lancet of a succeeding governor, after it had pushed its roots into the vitals of the system, and become a wide-spreading and putrefying sore.

From the unrestrained importation of ardent spirits, which had uniformly prevailed in the colony from its first settlement, a practice of a most pernicious and demoralizing tendency, especially in a convict colony, had grown into general use; I mean the substitution or employment of ardent spirits as a sort of colonial currency or universal medium of exchange. The subjoined reply, in the evidence of John Macarthur, Esq., to the following question, which he was asked on the trial

of Colonel Johnstone in the year 1811, exhibits the extent to which this ruinous practice had been carried in New South Wales:—

“Has not the barter of spirits been always practised by every person in the colony, as a matter of necessity, from the want of currency?”

“I know of no exception; as far as my observation went, it was universal: officers civil and military, clergy, every description of inhabitants, were under the necessity of paying for the necessaries of life, for every article of consumption, in that sort of commodity which the people who had to sell were inclined to take: in many cases you could not get labour performed without it.”

To the same purpose Captain Kemp, of the New South Wales Corps, when asked a similar question on the same occasion, makes a similar reply:—

“Was the barter of spirits prohibited by Governor Macquarie; or were the officers of the seventy-third regiment allowed to barter spirits?”

“The Governor, clergy, officers civil and military, all ranks and descriptions of people, bartered spirits when I left Sydney,—viz. in May, 1810.”

The breaking up of this monstrous system had been particularly enjoined on Governor Bligh, as appears from the following extract from his instructions, under the sign manual, dated at St. James's, May 25th, 1805:—

“And whereas it hath been represented to us, that great evils have arisen from the unrestrained importation of spirits into our said settlement, from vessels touching there, whereby both the settlers and convicts have been

induced to barter and exchange their live stock and other necessary articles for the said spirits, to their particular loss and detriment, as well as to that of our said settlement at large ; we do therefore strictly enjoin you, on pain of our utmost displeasure, to order and direct, that no spirits shall be landed from any vessel coming to our said settlement, without your consent, or that of our Governor-in-chief for the time being, previously obtained for that purpose ; which orders and directions you are to signify to all captains or masters of ships immediately on their arrival at our said settlement ; and you are at the same time to take the most effectual measures, that the said orders and directions shall be strictly obeyed and complied with."

The vigorous measures adopted by Governor Bligh, in accordance with these instructions, obtained the express approbation of His Majesty's Government, as is evident from the following extract of a letter to His Excellency from the Right Honourable Lord Castlereagh, of date December 31, 1807:—

" I am to express His Majesty's approbation of the determination you have adopted to put an end to the barter of spirits, which appears to have been abused, to the great injury and morals of the colony ; and I am to recommend, that whatever regulations you may find it most eligible to establish for the sale of spirits, yet that you will never admit a free importation, but preserve the trade under your entire control ; and that you will not fail rigorously to levy the penalties you shall establish for preventing illegal import."

It was scarcely to be expected, however, that mea-

asures of this kind could be carried into effect without giving prodigious offence; especially to those persons whose rank or office had enabled them to derive peculiar advantages from the unrestrained importation of spirits, which prevailed under a different system of management; and to turn the barter of that commodity, of universal requisition, into a source of great personal profit. The manifestations of this feeling were but too evident in the sequel.

During the administration of the two preceding Governors, a considerable number of free emigrant and emancipated convict settlers had been located, chiefly with a view to the cultivation of the soil, on the rich alluvial banks of the Nepean and Hawkesbury rivers. The latter of these rivers is merely a continuation of the former, after its junction with a considerable stream called the Grose, which issues from a remarkable cleft in the Blue Mountains, in the vicinity of Richmond, a village beautifully situated at the foot of the mountains, about forty miles from Sydney. The alluvial lands of New South Wales, or what the people of New England would call *Interval lands*, (I presume because they constitute the interval between the rivers and the open forest-country,) are in general heavily timbered, and, of course, difficult to clear. In such situations the progress of cultivation is necessarily slow, as the felling-axe and the operation of *burning off* must precede the plough or the hoe; but as the cost of this comparatively tedious process is uniformly much more than repaid in the wonderful fertility of the soil, land of this description is usually preferred for the purposes of agriculture to the more open forest-land. A considerable extent of land

of this kind had been brought into cultivation along the banks of the Hawkesbury, which was thus the principal agricultural settlement of the territory, towards the close of Governor King's administration; but this important section of the colony was most unfortunately visited, about the time of Governor Bligh's arrival, with a succession of inundations, which swept off the produce of the soil of every description, and left the settlers, in many instances, to poverty and starvation.

The inundations of the Hawkesbury, unlike those of the Nile and many rivers of America, are not periodical. A period of eleven years has elapsed in one instance without a single inundation; but two inundations have in another instance occurred in the course of the same year—one in the month of March, and the other in August, although not a drop of rain had fallen for some time previous in the district in which the inundation was most severely felt. These inundations are produced by the fall of rain on the Blue Mountains—a lofty range which runs parallel to the coast, and along the base of which the Hawkesbury flows in a northerly direction, receiving its drainage by numerous mountain-torrents: and so vast is the accumulation of water on these occasions, and so narrow the gorges through which it has to force its way in its circuitous course to the ocean; that the river has been known to rise, in the neighbourhood of the town of Windsor, upwards of seventy feet above its ordinary level.

At the period we have arrived at in the history of the colony, the settlers of the Hawkesbury were not prepared, as they generally are now, for so fearful a visit-

ation; and the loss of grain and of other agricultural produce of every description was proportionably great. A settler, whose house stands on an eminence at a beautiful bend of the river, has told me he has seen thirty stacks of wheat at one time floating down the stream during a flood; some of them covered with pigs and poultry, which had thus vainly sought refuge from the rising of the waters.

The occurrence of an inundation of this kind, at a time when very little grain was cultivated in any other part of the colony, was peculiarly calamitous, and its consequences were therefore the more generally felt: maize meal and flour of the coarsest quality were sold in Sydney at two shillings and sixpence a pound, and whole families on the Hawkesbury had no bread in their houses for months together. In these circumstances, Governor Bligh did every thing that a governor could do to alleviate the distress of the colony. He caused a number of the Government cattle, which had now increased to a large herd, to be slaughtered and divided among the settlers; and in order to encourage them to cultivate as large an extent of ground as possible for the future, he engaged to purchase for the King's stores all the wheat they could dispose of after the next harvest at fifteen shillings a bushel. The consequences of this judicious and beneficent measure were speedily apparent. The dispirited settlers were stimulated to increased exertions; a large extent of cleared ground, which had been enriched in the mean time by successive floods, was laid under cultivation; and Divine Providence blessing the colony with an abundant har-

vest, plenty and contentment were at length happily restored.

For his zealous and patriotic exertions on this occasion, Governor Bligh subsequently obtained the following testimony of approval from His Majesty's Government. It is contained in a letter to His Excellency, from the Under Secretary of State, of date 31st December, 1807:—

“ I am to express Lord Castlereagh's approbation of the measures taken by you to relieve the colony from the late calamities, occasioned by the imprudence of the colonists in not taking precautions against possible inundation.”

The Governor had observed, moreover, that independently of their liability to floods, the agricultural interest, which it behoved the colonial executive at so important a crisis especially to encourage, was extremely depressed, in consequence of the miserable system of traffic to which I have already alluded, and which was then prevalent in the colony; for rum, and not British money, was at that time the general medium of exchange in the purchase of every thing saleable throughout the territory. Now, to such persons as emancipated convict settlers, who were just beginning to acquire the habits of virtuous industry in the salutary pursuits of agriculture, no state of things could possibly be more injurious, as it daily exposed them to the almost irresistible temptation to barter away their hard-earned produce for what could only contribute to the misery and ruin of their families. Besides, it had not escaped the Governor's observation, that the industrious

free emigrant settlers of the humbler class were also universally kept down through the operation of the same system, though in a somewhat different way ; for, in disposing of their agricultural produce to the merchants or rather dealers in Sydney, they could only obtain payment in *property*, as it was called, i. e. in rum, tea, sugar, or such other goods as the dealer had to dispose of, at an enormous per-centage above their real value.

Governor Bligh, therefore, immediately set himself to introduce a better order of things, in so far as these interesting classes of the colonial population were concerned. With this view he made a tour of inspection in the agricultural districts of the colony, inquiring successively into the circumstances and resources of each of the settlers, and taking a list of the articles of household consumption which each informed him he stood in need of, as well as of the quantity of beef, pork, wheat, or maize, which he thought he was likely to be able to *turn into* His Majesty's stores in the course of the ensuing season : and according to the idea he was thus enabled to form of each settler's wants and abilities, he gave him an order forthwith on the commissariat for the articles which he judged it requisite for him to receive, the price of which he was to pay in produce at a certain fixed rate at the ensuing harvest.

This arrangement was unquestionably the most judicious, the most philanthropic, and the most directly conducive to the rapid advancement of a colony, composed of such heterogeneous materials as the colony of

New South Wales, which it was possible for any governor to have adopted at the period in question : for as His Majesty's stores at that time contained almost every article that was required in a family, and as the Governor set a very moderate price on those articles that were thus to be exchanged for produce with the settlers, it was the direct interest of the latter to make immediate payment whenever they were able to do so ; as, in the event of their failure, they were not likely to obtain a second supply from the King's stores, and as every thing they required to purchase was sure to cost them at least four times the price any where else.

No wonder then that the memory of Governor Bligh should be warmly cherished, as it certainly is in a very high degree, by the middle and lower classes of the settlers of older standing throughout the colony. "Them were the days for the poor settler," said a loquacious personage, of one of these classes, at whose comfortable house I was glad to pass the night on one occasion, after a long and dreary ride of upwards of fifty miles over a mountainous and desert tract of country ; and who, though originally transported many years ago as a notorious smuggler, is now a reputable proprietor of land, and the father of a well-reared and industrious family :—"Them were the days, sir, for the poor settler : he had only to tell the Governor what he wanted, and he was sure to get it from the stores ; whatever it was, sir, from a needle to an anchor, from a penn'orth o' packthread to a ship's cable."

This beneficent and patriotic arrangement of the Governor's, however, was directly opposed to the pri-

vate interests of that comparatively numerous and powerful class of individuals who had grown corpulent on the drunkenness of the colony, and who lived and moved and had their being as *men of credit and renown* in the colony, on the increase and perpetuation of that detestable vice. Certain parties of good repute could no longer sell the usual quantity of Bengal rum, Brazils tobacco, Siam sugar, young Hyson tea, or British manufactured goods at the *usual remunerating prices*—a change of system, which of course could not be tolerated. In short, the craft was in danger, and the rapid falling of the mercury in the barometers of the different harams of the colony portended a storm.

When a quantity of combustible materials has been industriously heaped together to produce an explosion, it is of little consequence in whose kitchen the match is lighted to fire the train. The gentleman who was *the immediate occasion*—I should be sorry to style him *the cause*—of the explosion that ensued in the instance in question, was John Macarthur, Esquire, formerly Captain and Paymaster of the New South Wales Corps, but, for some time previous to Governor Bligh's arrival, a merchant in the colony. This gentleman, who was for several years before his death, which took place in the year 1834, a member of the Legislative Council of New South Wales, deserves the highest credit, not only for having been the first to direct the attention of the colony to the rearing of sheep and the growth of fine wool, but also for the virtuous example which his own well-regulated family has uniformly exhibited to the European inhabitants of the territory. As a mer-

chant, however, Mr. Macarthur's interest was unquestionably opposed to the successful accomplishment of the Governor's measures; and His Excellency, it would seem, being a plain, straight-forward, sea-faring man, was apprehensive of counteraction in carrying these measures into effect from his superior ability. But although this state of feeling unquestionably existed for some time, the unhappy events that ensued were the result of certain overt acts and proceedings, which it is necessary to detail at considerable length, as they relate to a very important period of colonial history, which has not unfrequently been made the subject of the grossest misrepresentation.

Previous to what was called *the March flood*, in the year 1806, the usual price of wheat in the colony was seven shillings and sixpence a bushel, and in mercantile transactions promissory notes were frequently given and received for the payment of a certain number of bushels of wheat of the next ensuing harvest; the parties in such transactions mutually conceiving that the price of that commodity would in the mean time continue nearly stationary. In consequence, however, of the calamitous visitation I have just mentioned, the price of wheat in the year 1807 was as high as £1. 8s. or £1. 10s. per bushel. In these circumstances, Mr. Macarthur, happening to hold a promissory note of the kind referred to, of date previous to the inundation, insisted on its literal fulfilment some time posterior to that calamity: but the person who had given the note, holding that he was bound only to make payment at the rate at which wheat was selling when the note was

given, and resisting the demand on that ground, the case was referred for decision to the Court of Appeals, in which the Governor decided against Mr. Macarthur, on the broad principle of equity which it seemed to him to involve. Previous to the decision, however, Mr. Macarthur had submitted a paper to the Governor, in which he contended, that as the drawer of the note—an emancipated Scotch convict of the name of Andrew Thomson—was not one of the persons who had suffered from the flood, and would have had the advantage of the terms of payment in the event of a fall in the market occurring previous to the note's becoming due, he was bound to make payment according to its literal meaning: but the Governor refusing to hear any thing on the subject, Mr. Macarthur took offence, and never afterwards made his appearance at Government House, although the Governor subsequently called on Mr. Macarthur, on being told that he was indisposed.

In the month of March, 1807, the ship *Dart*, of which Mr. Macarthur was in part owner, arrived in Sydney from London. Agreeably to the usual practice on such occasions, her Manifest was exhibited by Mr. Harris, the naval officer, to the Governor, who, observing in the list of articles two large stills—the one addressed for Mr. Macarthur, and the other for Captain Abbott, of the New South Wales Corps,*—made a minute on the

* I have been informed that Captain Abbott had ordered a still to be sent to him by his agent in London; conceiving, doubtless, from the high price of spirits and the insatiable demand for the article in the colony, that it would prove a good speculation. Captain Abbott's agent was also agent for Mr. Macarthur; and rightly conceiving that if the speculation was a good one for the former of these gentlemen, it would

Manifest, directing the naval officer to place both of the stills in His Majesty's store, in order to their being sent back by the first ship to England, the distillation of spirits being prohibited in the colony: * as the coppers, or boilers of the stills, however, had been packed full of medicine, the naval officer had allowed them to be conveyed to Mr. Macarthur's premises, notwithstanding the Governor's order to the contrary, while the heads and worms were deposited in the King's store. In the month of October following, when the ship Duke of Portland was about to sail for London, it was discovered that the coppers were still in Mr. Macarthur's possession; and the circumstance being notified to the Governor, he ordered the naval officer, Robert Campbell, Esq., now a member of the Legislative Council of the Colony, to have them shipped forthwith. Mr. Campbell having accordingly written to that effect to Mr. Blaxcell, Mr. Macarthur's partner, Mr. Macarthur replied, in a letter to the naval officer, stating that "he had nothing to do with Captain Abbott's still, and that he intended to dispose of his own to some ship going to India or China; but that if that should be objected to, the head and worm could be disposed of as His Excellency thought proper, and that he would apply the copper to some domestic use."

be equally so for the latter, he had sent Mr. Macarthur a still also, without any orders from that gentleman, and entirely of his own accord. I have reason to believe that this statement is well founded.

* A general Order, forbidding the distillation of spirits in the colony, had been published by Governor Bligh on the 14th of February, 1807.— See Appendix, No. 1.

Mr. Campbell showed this letter to the Governor, who merely directed him to enforce the original order for the re-shipment of the stills complete to England. The naval officer accordingly sent his nephew, Mr. R. Campbell, jun., to Mr. Macarthur, agreeably to the Governor's order, for the two coppers; and on Mr. Macarthur's refusing to give them up without a receipt, Mr. Campbell, junior, procured a receipt from the naval officer for "two stills with heads and worms complete." Mr. Macarthur however refused to take the receipt in that form, as he never had either "heads" or "worms" in his possession; and Mr. Campbell, jun. consequently returned to procure another receipt from his uncle: but the naval officer refusing to give any other receipt than the one he had already given, which, it seems, corresponded with the description in his books, Mr. Campbell, junior, returned to Mr. Macarthur agreeably to his original order. Mr. Macarthur showed him where the stills were, and told him he might take them away at his own risk; which he did accordingly. Mr. Macarthur, however, immediately prosecuted Mr. Campbell, junior, before a bench of magistrates for this alleged illegal seizure of his property; and, after the evidence had been fully heard, made a statement in open court, in the presence of a concourse of people, whom the singularity of the case had attracted, to the following effect:—"It would therefore appear that a British subject, in a British settlement, in which the British laws are established by the royal patent, has had his property wrested from him by a non-accredited individual, without any authority being produced, or any other reason being

assigned, than that it was the Governor's order. It is therefore for you, gentlemen, to determine whether this be the tenure on which Englishmen hold their property in New South Wales."

In the month of November, 1807, a few weeks after the occurrence just mentioned, the schooner *Parramatta*, of which Mr. Macarthur was also in part owner, arrived from Otaheite, whither she had sailed from Sydney in the month of June previous, under the command of a Scotchman of the name of Glen, who was afterwards murdered with all his crew on the coast of New Zealand. A convict, it seems, of the name of Hoare, had escaped from the colony by the *Parramatta*, and had been left by the captain at Otaheite; and as the missionaries at that island complained of the circumstance in a letter to Governor Bligh, judicial proceedings were immediately commenced against the vessel on her return to port, to recover the penalty which had thus been incurred by the captain and owners under the colonial regulations. The result of these proceedings was, that a bond for £900, which had been given by the owners to the Colonial Government on the vessel's first arrival in the colony, and deposited in the hands of the naval officer, was declared to have been forfeited, and the penalty duly incurred. From this decision Mr. Macarthur appealed to the Governor, who, however, did not choose to interfere with the decision of the court. In the mean time, the owners refusing to pay the penalty, the naval officer refused to enter the vessel, and seized all her papers; constables being in the mean

time put on board, to prevent the landing of any part of her cargo.

In consequence of this procedure on the part of the naval officer, Mr. Macarthur notified to Glen and the crew, that he had abandoned the vessel, and that they had consequently nothing farther to expect from him. Glen accordingly went on shore with his crew, informing the naval officer of his being virtually ordered to do so by Mr. Macarthur, and making affidavit to that effect in justification of his procedure in the Judge Advocate's Office, as it was contrary to the colonial regulations for seamen to remain on shore in Sydney. In consequence of this affidavit, the Judge Advocate addressed the following letter to Mr. Macarthur on the day following, to which Mr. Macarthur returned the subjoined reply:—

“ Dec. 14, 1807.

“ Sir,

“ I have it in command from His Excellency the Governor, to acquaint you that the master, mariners, and crew of the schooner Parramatta, of which you are the owner, have violated the colonial regulations, by coming unauthorized on shore ; and that, in their justification, they say, you have deprived them of their usual allowance of provisions ; and they have no means of procuring them on board the schooner. In consequence of such their representations, I require your attendance at Sydney to-morrow morning, at ten o'clock, to show cause of such your conduct.

(Signed)

“ RICHARD ATKINS,
“ Judge Advocate.”

“ To Mr. John Macarthur.”

MR. MACARTHUR'S REPLY.

“ Parramatta, 14th December, 1807.

“ Sir,

“ I am to acknowledge the receipt of your letter of this date, ac-

quainting me that the master, mates, and crew of the schooner Parramatta have violated the colonial regulations, by coming unauthorized on shore ; and that they in their justification say, I have deprived them of their usual allowance of provisions, &c. ; for which conduct you require me to come to Sydney to-morrow, and show cause. I have only in reply to say, that you were many days ago informed I had declined any farther interference with the schooner, in consequence of the illegal conduct of the naval officer in refusing to enter the vessel, and retaining her papers, notwithstanding I had made repeated applications that they might be restored. So circumstanced, I could no longer think of submitting to the expense of paying and victualling the officers and crew of a vessel over which I had no control ; but previously to my declining to do so, my intentions were officially made known to the naval officer. What steps he has since taken respecting the schooner and her people, I am yet to learn ; but as he has had two police officers on board in charge of her, it is reasonable to suppose they are directed to prevent irregularities ; and thereof I beg leave to refer you to the naval officer for what farther information you may require upon the subject.

“ I am, sir, your humble servant,

(Signed) “ JOHN MACARTHUR.

“ *Richard Atkins, Esq., Judge Advocate.*”

The Judge Advocate, construing Mr. Macarthur's declining to attend at Sydney into a contempt of his authority, issued a warrant * to apprehend his person, and convey him to Sydney, to answer in the case before himself and other justices of the peace on the 16th of December. Mr. Francis Oakes, to whom this warrant was addressed, had been sent out in the ship Duff about ten years before as a missionary to Otaheite, but had left the island in a twelvemonth after, in consequence of some demonstration of hostile feeling on the part of the natives ; and was then settled as chief constable at Parramatta, where Mr. Macarthur resided.

* See Appendix, No. 2.

Mr. Oakes accordingly waited on Mr. Macarthur on the evening of the 15th, and after many humble apologies presented the Judge Advocate's warrant; on the perusal of which, Mr. Macarthur gave him the following written paper in testimony of his having duly executed it; observing at the time, agreeably to the tenor of an affidavit subsequently made by Mr. Oakes, "*that had the person who issued that warrant served it instead of him, he would have spurned him from his presence;*" "*that if he came a second time to enforce the warrant, to come well-armed, as he never would submit till blood was shed;*" and "*that he had been robbed of ten thousand pounds; but let them alone, they will soon make a rope to hang themselves.*"

" Parramatta, December 15, 1807.

" Mr. Oakes,

" You will inform the persons who sent you here with the warrant you have now shown me, and given me a copy of, that I never will submit to the horrid tyranny that is attempted, until I am forced; that I consider it with scorn and contempt, as I do the persons who have directed it to be executed.

(Signed) " J. MACARTHUR."

Mr. Oakes proceeded to Sydney early next morning, and delivered the note he had received to the Judge Advocate; relating first to that officer, and afterwards to the Governor in person, the particulars of his interview with Mr. Macarthur,—evidently with the devotedness of a servant who is conscious of being the bearer of important and agreeable intelligence, the relation of which may subsequently prove advantageous to himself. Mr. Oakes's deposition being then taken before a bench of

magistrates, the Judge Advocate issued a second warrant, addressed to the chief constables of Sydney and Parramatta, and requiring them to apprehend Mr. Macarthur, and lodge him in His Majesty's jail until he should be discharged by due course of law. In pursuance of this warrant, the two chief constables, with three of their myrmidons, armed with sticks or cutlasses, apprehended Mr. Macarthur at the house of Mr. Grimes, the Surveyor-General of the colony, in Sydney; and Mr. Macarthur, being brought before a bench of magistrates held in Sydney on the day following, (17th December, 1807,) was forthwith committed for trial for high misdemeanours before a criminal court to be assembled for the purpose, but was immediately liberated on bail.

The criminal court for the trial of Mr. Macarthur, consisting of the Judge Advocate and six officers of the New South Wales Corps, met at Sydney on the 25th of January, 1808; and as the case had excited intense interest, the court was quite crowded, and a number of the private soldiers of the Corps, (into which about fifty emancipated convicts had been enlisted,) armed with their side-arms, were in anxious attendance. The indictment had been prepared by an attorney of the name of Crosley, who had been transported for perjury, but had afterwards received a colonial pardon from Governor King, and was then living at the Hawkesbury. This person, it seems, had frequently been consulted on matters of law, with the Governor's express permission, by the Judge Advocate; as the latter had not received a legal education himself, and was consequently unpractised in such matters. The

indictment charged Mr. Macarthur with a contravention of the Governor's express order, in detaining the boilers of the two stills in his premises, and also with an intention to stir up the people of the colony to hatred and contempt of the Governor and government, in the inflammatory and seditious words he had uttered at a bench of magistrates in Sydney, convened at his particular instance to try Mr. R. Campbell, junior, for the seizure of the stills: it also charged him with intent to raise dissatisfaction and discontentment in the colony, and a spirit of hatred and contempt towards the Governor and government, in inducing the master and crew of the Parramatta schooner to come on shore in direct violation of the colonial regulations: and it charged him, moreover, with a seditious contempt of the authority of the Judge Advocate, and with uttering false, scandalous, malicious, defamatory, and seditious words, of His Excellency the Governor, in the paper he had given to the chief constable Oakes, and in the expressions he had used in conversation with that functionary respecting the Governor and government.

Previous to the trial, Mr. Macarthur had addressed a letter to the Governor, protesting for several reasons against the Judge Advocate's presiding on the occasion, and requesting that His Excellency would appoint some disinterested person to preside in his room: but the Governor being given to understand that the court could not be constituted without the Judge Advocate, refused to interfere, and replied that the law must take its course. As soon, however, as the Judge Advocate had administered the usual oath to the six officers, and

was proceeding to take it himself according to the usual form, Mr. Macarthur, who had in the mean time been surrendered to the court by his bail, interrupted the proceedings by protesting against the Judge Advocate's being a member of the court, and presiding on the trial. The Judge Advocate, however, having stated that there could be no court without him, and that he could not be objected to, as by the terms of His Majesty's patent the court could not be formed without him, Captain Kemp, one of the six officers, replied, that the Judge Advocate was nothing more than a juryman, or than one of themselves, and might therefore be objected to ; and then desired Mr. Macarthur to state his objections ; Lieutenant Lawson, another of the officers, exclaiming, "*We will hear him ;*" and the Judge Advocate being in the mean time compelled to remove from his seat as president of the court.

Mr. Macarthur, being thus allowed liberty of speech, read a long protest,* with great animation both of voice and manner, addressing himself sometimes to the members of the court and sometimes to the by-standers.

On the conclusion of his address, the Judge Advocate called out to Mr. Macarthur, that he would commit him for his contemptuous language ; but Captain Kemp, addressing himself to the Judge Advocate, and calling out, " You commit ! No, Sir, I will commit you to jail," or words to that effect ; the Judge Advocate, seeing nothing but confusion likely to ensue, and appre-

* See Appendix, No. 3.

hensive of personal danger from the number of soldiers with their side-arms in and about the court, called out that he "adjourned the court," and desired the people to disperse; but Captain Kemp and the other officers called the people back, saying, "Stay, stay! tell the people not to go out: we are a court."

The Judge Advocate having then left the court, Mr. Macarthur called out to the officers, "Am I to be cast forth to the mercy of a set of armed ruffians—the police?" informing them at the same time, that "he had received private information from his friends that there was a set of armed ruffians prepared against him," and requesting, in a deposition* to that effect, that they would give him a military guard. The officers accordingly pledged themselves for Mr. Macarthur's safety, saying, "We will protect you," and desired some of the soldiers in the court to guard him; but the provost-marshal, Mr. Gore, into whose hands he had been surrendered by his bail, considering the court adjourned on the Judge Advocate's proclamation, and regarding this procedure on the part of the officers as a rescue of his prisoner, immediately made affidavit of the circumstance before the Judge Advocate and three other justices of the peace, and procured their warrant for the apprehension of Mr. Macarthur, in order to his being lodged in His Majesty's jail.

In the mean time, the six officers addressed the following letter to His Excellency the Governor, to which

* See Appendix, No. 4.

His Excellency immediately returned the subjoined reply:—

“ Sydney, January 25, 1808.

“ Sir,

“ We, the officers composing the Criminal Court of Jurisdiction appointed by Your Excellency, beg leave to state to you, that a right of challenge to the Judge Advocate, Richard Atkins, Esq. has been demanded by the prisoner, John Macarthur, Esq. which we, as a Court, after mature and deliberate consideration, have agreed to allow as a good and lawful objection. We therefore submit to Your Excellency, to determine on the propriety of appointing another Judge Advocate to preside in the present trial. We farther pray Your Excellency's protection in the execution of our duty, having been grossly insulted and threatened by Richard Atkins, Esq., with a seeming view to deter us in our proceedings.

“ We have the honour to be Your Excellency's

faithful and humble servants,

(Signed)

“ A. F. KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.
WM. MINCHIN, Lieut.
WM. LAWSON, Lieut.”

“ Addressed,

“ On His Majesty's Service,
His Excellency Gov. Bligh, &c.”

“ Government House, Sydney, January 25, 1808.

(Half past noon.)

“ Gentlemen,

“ In answer to your letter just received, I conceive that there could have been no cause of challenge to the Judge Advocate, who is the officer appointed by His Majesty's patent, and without *whose* presence there can be *no Court*.

“ And I consider that the Judge Advocate had a right to commit any person who might commit any gross insult to him, while he was in his official capacity as Judge of the Court. I do not consider the Court to be formed without the Judge Advocate; and when legally convened, I have no right to interpose any authority concerning its legal acts.

“ I therefore can do no otherwise than direct that the Judge Advocate

take his seat, and act as directed by His Majesty's Letters Patent, for the constituting the Court of Criminal Jurisdiction; which, being authorized by an Act of Parliament, is as follows:—'And we farther will, ordain, and appoint, that the said Court of Criminal Jurisdiction shall consist of our Judge Advocate for the time being, together with such six officers of our sea and land service, as our Governor, (or, in case of his death or absence, our Lieut. Governor,) shall, by precept issued under his hand and seal, convene from time to time for that purpose.'

"I am, gentlemen,

"Your most obedient humble servant,

(Signed) "WM. BLIGH.

"To Capt. Anthony Fenn Kemp,		Lieut. Thomas Laycock,
Lieut. John Brabyn,		Lieut. William Minchin,
Lieut. William Moore,		Lieut. William Lawson,

"Of His Majesty's New South Wales Corps."

On receiving this letter from the Governor, the officers addressed a second letter to His Excellency, to the following effect:—

"Sydney, January 25, 1808.

"Sir,

"We have had the honour of Your Excellency's opinion with respect to the objection made by a prisoner (John Macarthur, Esq.) to the Judge Advocate, in answer to our letter to Your Excellency on that subject.

"We beg Your Excellency to be assured that we have at all times the utmost deference to any opinion delivered by you; but in the present case we cannot, consistent with the oath we have taken, or our consciences, sit with Richard Atkins, Esq. in the trial of John Macarthur, Esq. well knowing the hostile enmity which has existed between them for the last thirteen or fourteen years. We therefore pray Your Excellency's farther consideration on the subject.

"We have the honour to be Your Excellency's

faithful and obedient servants,

(Signed)

"ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.
WM. MINCHIN, Lieut.
WM. LAWSON, Lieut."

"His Excellency, Gov. Bligh,
&c. &c."

The Judge Advocate having in the mean time addressed a memorial to the Governor, detailing the circumstances above mentioned, and also stating that on leaving the court the officers had refused to deliver up to him the papers connected with the proposed trial, His Excellency addressed to them the following communication :—

“ Government House, Sydney, 25th Jan. 1808.

(Quarter past two o'clock.)

“ Gentlemen,

“ In reply to your second letter of this date, I require that you deliver to Mr. William Gore, Provost Marshal, and Mr. Edmund Griffin, my Secretary, who accompanies him on the occasion, all the papers that the Judge Advocate left on the table, and which were refused to be sent to him by the constable ; and also those which the prisoner John Macarthur has read before you, that they may be delivered to the Judge Advocate, His Majesty's legal officer.

“ I am, gentlemen,

“ Your most obedient humble servant,

(Signed)

“ WM. BLIGH.”

“ Addressed to

“ Capt. Anthony Fenn Kemp,
Lieut. John Brabyn,
Lieut. William Moore,

Lieut. Thomas Laycock,
Lieut. William Minchin,
Lieut. William Lawson,

“ Of His Majesty's New South Wales Corps.”

To this letter the following replies, enclosing a copy of Mr. Macarthur's deposition, were returned :—

“ Sydney, January 25, 1808.

“ Sir,

“ We take the liberty of inclosing to Your Excellency a copy of a deposition made before us, as Members of a Criminal Court this day assembled under Your Excellency's precept, by John Macarthur, Esq. a prisoner at the bar.

“ We earnestly entreat Your Excellency will be pleased to order such protection to be given to Mr. Macarthur, as in our humble opinion the nature of the complaint stated by him before us merits.

" We beg leave to assure Your Excellency that it is not without the most heart-felt sorrow that we have been eye-witnesses this day of the laws having been grossly violated by Richard Atkins, Esq. the Judge Advocate, in threatening, before the sacred tribunal of a Criminal Court, to commit John Macarthur, Esq. the prisoner at the bar, who was pleading his own cause by the Court's order, to jail, as a common felon.

" We have the honour to be

" Your Excellency's most obedient humble servants,

(Signed) " ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.
WM. MINCHIN, Lieut.
WM. LAWSON, Lieut."

" His Excellency Gov. Bligh, &c."

" Sydney, January 25, 1808.

" Sir,

We are honoured with Your Excellency's letter, requiring of us to deliver to Mr. Gore and Mr. Edmund Griffin all the papers the Judge Advocate left on the table, and also those of the prisoner John Macarthur, Esq. read before us.

" With all due submission to Your Excellency's commands, we beg leave to state, that we are not defensible in giving up the papers alluded to, to any person, unless Your Excellency thinks *proper to appoint another Judge Advocate to proceed on the trial of John Macarthur, Esq.*

" We have the honour to be

" Your Excellency's most obedient humble servants,

(Signed) " ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut.
WM. MOORE, Lieut.
THOS. LAYCOCK, Lieut.
WM. MINCHIN, Lieut.
WM. LAWSON, Lieut."

" His Excellency Gov. Bligh, &c."

In answer to these letters, the following communication was sent by His Excellency, to which the sub-

joined reply was returned by the officers at five o'clock
P.M. :—

“ Government House, Sydney, 25th Jan. 1808.

(*Three-quarters past three o'clock.*)

“ Gentlemen,

“ I have required the Judge Advocate's papers, with those that were read by Mr. John Macarthur, and I now demand finally your answer, in writing, whether you will deliver these papers or not; and I again repeat, that you are *no Court* without the Judge Advocate.

“ I am, gentlemen,

“ Your most obedient humble servant,

(Signed)

“ WM. BLIGH.

“ Addressed to

“ Capt. Anthony Fenn Kemp,
Lieut. John Brabyn,
Lieut. William Moore,

Lieut. Thomas Laycock,
Lieut. William Minchin,
Lieut. William Lawson,

“ Of His Majesty's New South Wales Corps.”

“ Sydney, January 25, 1808.

“ Sir,

“ In answer to Your Excellency's letter, we beg leave to say, that we are ready to furnish Your Excellency with an attested copy of all the papers required; but the originals we are compelled to keep in justification of our conduct; or, should Your Excellency be pleased for the furtherance of the public service to appoint a Judge Advocate for the trial of Mr. Macarthur, we are ready to deliver them up to the person so appointed.

“ The Court constituted by Your Excellency's precept, and sworn in by the Judge Advocate, beg leave to acquaint you they have adjourned to wait Your Excellency's farther pleasure.

“ We have the honour to be

“ Your Excellency's most obedient humble servants,

(Signed)

“ A. F. KEMP, Capt. N. S. W. Corps.

J. BRABYN, Lieut.

WM. MOORE, Lieut.

THOS. LAYCOCK, Lieut.

WM. MINCHIN, Lieut.

WM. LAWSON, Lieut.

“ His Excellency Governor Bligh, &c. &c. &c.”

In the mean time, the Governor being in the utmost perplexity as to what ought to be done in the case, a messenger was dispatched to Major Johnston, commanding the New South Wales Corps, with the following letter :—

“ Government House, Sydney, 25th January, 1808.

(Half-past five o'clock.)

“ Sir,

“ His Excellency, under particular public circumstances which have occurred, desires me to request you will see him without delay. I have the honour to be, sir,

“ Your most obedient humble servant,

(Signed)

“ EDMUND GRIFFIN,

“ Secretary.

“ To Major Johnston, commanding His Majesty's New South Wales Corps.”

To this letter, Major Johnston, who lived about four miles out of town, and had very recently received an injury by a fall from his chaise, merely returned a verbal message, intimating that “he was too ill to come to Sydney, and that he was unable to write.”

Early on the morning of the 26th of January, the provost marshal apprehended Mr. Macarthur, on the warrant granted by the Judge Advocate and the other three magistrates, to whom he had made affidavit on the preceding day that Mr. Macarthur was no longer in his custody, and lodged him in His Majesty's jail. The six officers being apprised of this circumstance, on their re-assembling pursuant to adjournment at ten o'clock, addressed the following letter to his Excellency on the subject :—

“ Court House, Sydney, 26th January, 1808.

“ Sir,

“ We have the honour to inclose Your Excellency an attested copy of

the Address delivered to the Court yesterday, by John Macarthur, Esq. a prisoner at our bar. The Address, we trust, will induce Your Excellency to concur in the opinion we have given, that the Judge Advocate, Richard Atkins, Esq. has been challenged on good and lawful grounds, and is ineligible to sit as a Judge in the cause before us.

“ We also take the liberty to submit to Your Excellency, that having taken an oath, ‘ well and truly to try, and a true deliverance make, between our Sovereign Lord the King and the prisoner at the bar, and a true verdict give according to evidence,’ that we are bound to proceed to the trial of John Macarthur, Esq. or to violate our oath. We therefore pray that Your Excellency will be pleased to nominate some impartial person to execute the office of Judge Advocate.

“ It is with much concern we have learned by the inclosed deposition made before us by G. Blaxcell, Esq. and N. Bayly, Esq. that the body of John Macarthur, Esq. the prisoner arraigned before us yesterday, has been forcibly arrested from the bail which the Court remanded him in; which illegal act of the Magistrates, (grounded on the false deposition of Mr. William Gore, Provost Marshal,) we beg leave to represent to Your Excellency, is in our opinion calculated to subvert the legal authority and independence of the Court of Criminal Jurisdiction, constituted in this colony by His Majesty’s letters patent; and we therefore pray that Your Excellency will discountenance such magisterial proceedings, pregnant with the most serious consequences to the community at large; and that Your Excellency will be pleased to take measures to restore John Macarthur, Esq. to his former bail, that the Court may proceed on his trial.

“ We are Your Excellency’s

faithful and obedient humble servants,

(Signed) “ A. F. KEMP, Capt. N. S. W. Corps.

J. BRABYN, Lieut.

WM. MOORE, Lieut.

THOS. LAYCOCK, Lieut.

WM. MINCHIN, Lieut.

WM. LAWSON, Lieut.

“ *To His Excellency Governor Bligh, &c. &c. &c.*”

No answer having been sent by the Governor to this letter, the officers again adjourned at three o’clock, P.M. In the mean time, the Judge Advocate, having accused

the officers, in his memorial to His Excellency above mentioned, of "crimes amounting to a usurpation of His Majesty's government, and tending to incite or create rebellion, or other outrageous treason, in the people of the territory," and having prayed His Excellency "to take such measures in the case, as the nature thereof, in His Excellency's judgment, might require," the Governor determined to issue a summons to the officers requiring them to appear before him at Government House on the following day. A summons was accordingly addressed to each of the officers to the following effect:—

"By His Excellency William Bligh, Esq. Captain-General and Governor-in-chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c. &c.

"The Judge Advocate having presented a memorial to me, in which you are charged with certain crimes, you are therefore hereby required to appear before me at Government House, at nine o'clock to-morrow morning, to answer in the premises.

"Given under my hand and seal at Government House, Sydney, this 26th day of January, 1808.

(Signed) "WM. BLIGH, (L.S.)

"To Capt. Anthony Fenn Kemp, of His Majesty's New South Wales Corps.

"By command of His Excellency,

(Signed) "EDMUND GRIFFIN, Secretary."

At the same time, the Governor wrote as follows to Major Johnston:—

"Government House, Sydney, 26th January, 1808.

"Sir,

"In answer to my letter of yesterday I received a verbal message by my orderly from you, that you was rendered by illness totally incapable of being at Sydney: I apprehend the same illness will deprive me of

your assistance at this time; and the Judge Advocate having laid a memorial before me against six of your Officers, for practices which he conceives treasonable, I am under the necessity of summoning them before me, and all the Magistrates have directions to attend at nine o'clock to-morrow morning.

"I leave it for you to judge whether Capt. Abbott should be directed to attend at Sydney, to command the troops in your absence.

"I am, sir,

"Your most obedient humble servant,

(Signed) "WILLIAM BLIGH.

"To Major Johnston, commanding His
Majesty's New South Wales Corps."

To this letter a verbal message was again brought in reply by the Governor's orderly, intimating "that Major Johnston desired him to inform the Governor that he was so ill as to be unable to write, but that he would get a person to write an answer in the evening." The object of the Governor in these measures was that the six officers should be brought before himself and a bench of magistrates, as a grand jury, to ascertain whether there was ground sufficient for committing them for trial before a criminal court, for treasonable practices or other high misdemeanours.

In this stage of the proceedings it would seem that the six officers took it for granted that the Governor intended to set aside the criminal court altogether, and to invest the magistrates with its powers, after having first imprisoned the officers; and it would seem also that Mr. Macarthur's friends were incessant in their endeavours to prepossess them with this idea. It appears, however, from the testimony of Mr. Griffin, the Governor's secretary, that His Excellency had no such intention; but that, in the event of sufficient ground for com-

mitting the officers for trial being found on their examination, the magistrates were in future to take cognisance of all such minor cases as should come within their jurisdiction, while all cases of a criminal character were to lie over till the Governor should hear from England.

On receiving the Governor's second letter, Major Johnston, though still suffering considerably from his fall, came to Sydney about five P. M., and drove up to the military barrack, where, the officers of the New South Wales Corps and a few other persons gathering around him, and representing the state of things in as dismal colours as possible, persuaded him to usurp the government of the colony, and to place the Governor under arrest.

The first overt act committed in accordance with this advice, was an order for the liberation of Mr. Macarthur from His Majesty's jail.* On being liberated from the jail, Mr. Macarthur went direct to the military barrack, where Major Johnston and the officers and other persons, by whose advice he was acting, were still assembled. It would be absurd to doubt whether Mr. Macarthur was not previously well acquainted with the measures in contemplation; but on being formally apprised of these measures, he represented to Major Johnston the propriety of having a requisition addressed to him, on the part of the inhabitants, urging him to provide for the public safety by placing the Governor under arrest. Mr. Macarthur was accordingly em-

* See Appendix, No. 5.

powered to draw up such a requisition, which he did forthwith to the following effect; placing his own name at the head of the list, which comprised only a very few names, at the utmost not more than nine, and probably not more than six, when the violent measure which it recommended was actually carried into effect.

“ January 26, 1808.

“ Sir,

“ The present alarming state of this colony, in which every man's property, liberty, and life are endangered, induces us most earnestly to implore you instantly to place Gov. Bligh under arrest, and to assume the command of the colony. We pledge ourselves, at a moment of less agitation, to come forward to support the measure with our fortunes and our lives.

“ We are with great respect, sir,

“ Your most obedient servants.

“ To Major Johnston, Lieut. Governor, &c.
commanding the New South Wales Corps.”

Of the persons who signed this requisition, as well before as after the measure which it professed to recommend had been carried into effect, the greater number consisted of dissatisfied, discontented persons,—a description of persons, of whom there will always be found a sufficient number under any government under the sun. In addition to Mr. Macarthur, for instance, there was his partner Mr. Blaxcell, who was doubtless equally concerned in the affair of the schooner Parramatta; there was Mr. John Blaxland, now a member of the Legislative Council of the Colony, and his brother, Mr. Gregory Blaxland, who had private grievances of their own, of the usual colonial character, in having neither

got as much land nor as much convict labour as they thought themselves entitled to; there was Mr. Simeon Lord, whose right to an allotment of ground adjoining the Government domain the Governor had recently called in question; there was Mr. D'Arcy Wentworth, whom the Governor had suspended from his office as assistant surgeon, after he had been publicly reprimanded by Major Johnston for disobedience of orders, pursuant to the sentence of a general court martial; and there was Mr. Nicholas Bayly, who by some unfortunate mistake had no office at all under Governor Bligh, but was immediately made Provost-marshal and Private Secretary by Major Johnston.

The necessary arrangements having thus been made, orders were immediately given for the regiment to form, and the drum was accordingly beat loud and hard between six and seven o'clock the same evening. The regiment was instantly formed in the barrack-square, and marched immediately at a quick pace towards Government House, with bayonets fixed, colours displayed, and military music. Lieutenant Bell, now a member of the Legislative Council of the Colony, commanded the Governor's guard at the time: whether he had been regularly relieved of that important charge or not, I do not know; but he was observed from Government House ordering his men to prime and load before the regiment had come up, and he immediately afterwards joined the rest of the corps. Mrs. Putland, the Governor's daughter, whose husband, a lieutenant in the navy, had been interred only a few days before, (on which occasion Major Johnston was chief mourner,) presented

herself at the gate of Government House, and endeavoured to prevent Mr. Bell's entrance; but the house being immediately surrounded by the soldiery, an entrance was soon effected. The Governor, however, was for some time not to be found; but every room and crevice in the house being eagerly searched for him by the soldiers, he was at length discovered standing behind a cot which was hanging in a back apartment, to which he had retired on the approach of the military, in the act of concealing certain papers of importance.*

Governor Bligh has been much reprobated for his conduct on this occasion; and the charge of tyranny, which has often been brought against him with great virulence, has been generally acquiesced in the more readily, because of its being supported by the additional charge of cowardice. Had the Governor stood boldly forward, and shot the commanding officer of the New South Wales Corps at the head of his regiment, as certain colonial wiseacres think he ought to have done, his own life would in all likelihood have been instantly sacrificed; but then the last act of his administration would have sanctified all that had preceded it, and the memory of his alleged misgovernment would have been buried for ever in the grave of a hero. It is somewhat singular that the world reserves all its sympathy for what is merely splendid in action, and will scarcely

* The account of this part of the affair subsequently given by the Governor on the trial of Major (then Colonel) Johnston, before a court-martial held at Chelsea Hospital in the year 1811, will be found in the Appendix, No. 6.

allow the award of common justice to what is merely right. As things happened, I will allow that it would have been better for the Governor to have met Major Johnston at the gate of Government House, and expostulated with him on the impropriety and the danger of his procedure ; and, after a full and explicit declaration of his intentions, in regard to the officers, to have recommended and commanded his immediate return to his duty. But it was the Governor's intention, on ascertaining that an insurrection had actually taken place, to effect his escape, if possible, to the interior of the colony ; where he felt satisfied he would have been gladly received by the free settlers, in whose hands he would have been perfectly safe, if not in a condition to set the corps at defiance : and the circumstance of his being discovered and seized, when endeavouring to carry this prudent intention into effect—a circumstance which sufficiently demonstrates the suddenness of the movement, and the Governor's entire freedom from all suspicion of any thing of the kind—was not one whit more disgraceful to his character as a British officer, than it would have been disgraceful to King Charles II., to have been discovered and apprehended by the soldiers of Oliver Cromwell, when concealed in the thick foliage of the royal oak.

In reviewing the series of anomalous transactions I have thus narrated, it would seem that there was a singular want of courtesy on the part of the naval officer, Robert Campbell, Esquire, in not giving Mr. Macarthur such a receipt, in the matter of the stills, as that gentleman required, and as would have merely expressed

the simple fact in the case in question. Nay, it may even be questioned whether any of the subsequent events would have happened at all, if an occasion of offence had not been given by this apparently trivial circumstance. We are apt to suppose that great and important events must uniformly have their origin and commencement in circumstances equally important. They more frequently originate in what the world calls trifles.

On the other hand, Mr. Macarthur's procedure in prosecuting Mr. Campbell, jun. before a bench of magistrates for an alleged illegal seizure of his property, and in making the statement he emitted on the occasion, was evidently and strongly reprehensible. The distillation of spirits had been prohibited in the colony, and the Governor had therefore an undoubted right to forbid the landing of every thing in the shape of stills in the territory. He had merely exercised that right in the case in question ; and it was in direct contravention of his orders, that the copper boilers of the stills had been allowed by the naval officer for the time being, (J. Harris, Esquire, formerly Surgeon of the New South Wales Corps,) to be conveyed to Mr. Macarthur's premises instead of the King's store. Mr. Macarthur, or at least his partner, had been duly apprised of all this ; and although it might have suited Mr. Macarthur's convenience to have used the coppers in some other way, every candid person will allow that the Governor was perfectly in the right to enforce his original order, and to desire the naval officer to see that every part and pendicle of the stills should be sent out of the colony ;

for, independently of other considerations, the Governor could not be ignorant that there was mechanical ability enough in the colony to manufacture heads and worms for the boilers, and notorious smugglers enough to use them for the purpose for which they had evidently been intended. No blame could therefore be attached to the Governor throughout the whole transaction. The procedure of Mr. Campbell, jun. in carrying off the boilers, was clearly quite different from such a seizure of private property as is punishable by the laws of England: the prosecution of Mr. Campbell before a bench of magistrates was consequently a most anomalous transaction; and Mr. Macarthur's speech before the bench and in open court, was, under all the circumstances, uncalled for, and calculated to give great offence to a man of so exceedingly irascible a disposition as Governor Bligh.

The escape of the convict Hoare in the Parramatta schooner undoubtedly constituted a sufficient ground of action, on the part of the colonial government, against the captain and owners of that vessel. It would seem, however, that there had been some delay on the part of the colonial government in bringing the matter to a proper bearing; but this delay had evidently arisen from the non-compliance of the owners with the colonial regulations, in refusing to give the requisite security for the payment of the penalty they had incurred. Mr. Macarthur's subsequent procedure, in abandoning the vessel, and ordering the master and crew ashore, in contravention of another government regulation, appears to have been a mere stratagem, intended to bring the

government to an immediate decision of the case in favour of the owners ; for it appears that the master of the schooner provoked the Governor exceedingly (inso-much that His Excellency actually swore at him,) by dunning him on the subject personally at Government House.

It does not appear that the method which the Judge Advocate employed to bring Mr. Macarthur to reason was indefensible. The Judge Advocate's letter, requiring Mr. Macarthur's attendance in Sydney, was doubtless not a summons properly so called in the eye of the law ; but as it commenced with "I have it in command from his Excellency," Mr. Macarthur ought surely to have received it in that light, and yielded obedience accordingly. When the Judge Advocate found, however, that Mr. Macarthur had not regarded it in that light, his proper course was to have sent a summons for his attendance *in due form* : but instead of doing so, he interprets his non-attendance as a contempt of authority, and sends a warrant for his apprehension to the chief-constable at Parramatta, as if he had been a rogue and a vagabond ; and because Mr. Macarthur expressed himself in regard to this warrant in the indignant manner in which an honest man was likely to have expressed himself in such circumstances, he posts off with the constable who gives him the information to Government House, to hatch up a criminal indictment against Mr. Macarthur, and to have him apprehended, imprisoned, tried, and punished as a traitor.

Much blame was attached by Mr. Macarthur to the ex-missionary constable Mr. Oakes, in having given to

his conversation a totally different construction from what Mr. Macarthur alleged it was intended to bear; for it was evidently the report of this very zealous emissary that occasioned the criminal prosecution to which Mr. Macarthur was subjected, with all its calamitous results. It is difficult, however, to determine the exact degree in which Mr. Oakes was blamable, or whether he was to blame at all: he was bound to tell all he heard, for he was put to his oath; and it seems, the information he had to communicate was neither unimportant to his betters nor unpalatable.

It was the official incapacity and the personal worthlessness of the Judge Advocate, however, that contributed mainly to the catastrophe that ensued. This individual, it seems, had been the broken-down relative and dependent of some person in power, through whose influence he had obtained the highly important and responsible situation which he held in the colony. Not having received a legal education, however, he was quite unable to afford the Governor that information which was sometimes essentially requisite in matters of law, and His Excellency was therefore reduced to the humiliating necessity of receiving such information from a perjured, pilloried, and transported attorney: dissipated in his habits, and disreputable in his conduct, it was impossible that the Governor could treat him either with confidence or respect; for he had even been prosecuted in the colony on a charge of swindling. Had this colonial dispenser of justice been a lawyer, he would not have rendered it necessary to have recourse to objectionable and polluted sources for legal informa-

tion: had he been a man of character, of firmness, and integrity, he would in all likelihood have prevented the prosecution of Mr. Macarthur. At all events, he would not have afforded that gentleman the singular advantage he derived from his own moral worthlessness and official incapacity.

When a prosecution degenerates into a persecution, the injured party has an undoubted right to employ every lawful and available expedient to set it aside; but I am altogether at a loss to discover the propriety of the measure to which Mr. Macarthur resorted in protesting against the Judge Advocate. "It was utterly impossible under any circumstances," observes the Right Honourable Charles Manners Sutton, Judge Advocate-General of His Majesty's Forces, on the trial of Colonel Johnston in 1811; "it was utterly impossible under any circumstances, and not speaking with a view to this particular charge, it was perfectly incompetent to any person brought before that court, to offer a challenge against the Judge Advocate sitting upon it; he might as well offer a challenge against a judge in this country sitting at the assizes. The Governor has no more right to change the Judge Advocate who sits upon that court, than he has to change a judge in England or any where else." But the policy of the measure to which Mr. Macarthur had recourse in challenging the Judge Advocate was not less questionable than its propriety. Taking it for granted that it was a vexatious and unjust prosecution that had been got up against him by the Government, and that the judge was actuated with the most hostile feelings towards him, had he no confidence in his own ability to

manage his defence, or in the integrity of the six officers who were to constitute his jury, and who seem, for the most part, to have been devoted to his interests? In short, Mr. Macarthur's procedure in challenging the Judge Advocate, was impolitic in the highest degree.

As to what followed—the arrest of the Governor and the usurpation of the Government—there can be but one opinion; it was downright rebellion. Nay, what is worse, it cannot be regarded as the result of the mere impulse of a moment; it appears rather to have been the concluding scene of a plot which had been long concocting. Previous to Governor Bligh's arrival, every thing disrespectful had been industriously circulated respecting him in the colony; and there seems to have been a latent determination in certain quarters to resist his authority, and to put him down. This determination was speedily roused into action by the Governor's zealous and successful endeavours to put down the barter of spirits, and by a salutary regulation he established, shortly after his arrival in the colony, in regard to the colonial currency; for as both of these measures had the good effect of discountenancing that system of rapacity and oppression which had long prevailed in the colony, and of extending the shield of the Governor's protection to the industrious classes of the community, they were the more obnoxious in certain influential quarters: and when the prosecution of Mr. Macarthur—an old officer of the New South Wales, or rum-bartering Corps—had afforded a centre of attraction for all the discontentment of that body, as well as for all the latent dissatisfaction of the colony, the

spirit it had aroused evinced itself in a manner equally offensive and unequivocal : for on the day preceding the trial, Mr. Macarthur's son and nephew and two bailsmen were all dining along with the six officers who were to sit in judgment on Mr. Macarthur, under the Governor's precept, on the following day, at a public mess-dinner in Sydney ; the colours of the regiment being displayed on the occasion, and the military band playing till a late hour in the evening. Mr. Macarthur, it is true, was not at the dinner himself ; but he spent the evening in walking to and fro on the parade in front of the mess-room, doubtless enjoying the exhibition, and listening to the music !

After Governor Bligh had written a second time to Major Johnston on the afternoon of the 26th, it was evidently in the power of that officer to have preserved tranquillity. Had he only gone to Government House, and in strong terms supported the measure of his brother officers, in refusing to receive as their president a Judge, of whose impartiality in the particular case for trial they were more than doubtful, requesting and conjuring His Excellency to appoint some disinterested person in his room, there is no doubt whatever but that the King's peace would have been preserved, and the matter have ended to his entire satisfaction. But there was evidently no wish to preserve the King's peace : it had been resolved by the Corps that the Governor's authority should be subverted, and it was done forthwith.

Major Johnston was by no means a man of strong mind, and the position he occupied as the commanding

officer of the New South Wales Corps, at the head of this insurrectionary and rebellious movement, was purely accidental ; Colonel Patterson, who commanded the regiment, having been for some time previous at Port Dalrymple in Van Dieman's Land, and Lieutenant-Colonel Foveaux being absent on leave in England. Indeed, if Major Johnston had been a man of commanding intellect, he would have perceived the danger and the criminality of his enterprise, and the result would in all likelihood have been very different : but he was merely an unfortunate instrument in the hands of others ; and the circumstance illustrates the important truth, that power is often far more dangerous to the liberties and the welfare of the people in the hands of a good-natured, easily-advised, weak man, than in those of a man of much inferior moral principle, but of masculine understanding.

It was on the 26th of January, 1808, the twentieth anniversary of the founding of the colony, that Major Johnston assumed the government of New South Wales, as Lieutenant-Governor of the territory.

On the 27th the following general order was published, together with a proclamation to the inhabitants and the soldiery, concluding in the following grandiloquent style :—

“ Soldiers !

“ Your conduct has endeared you to every well-disposed inhabitant in this settlement ! Persevere in the same honourable path, and you will establish the credit of the New South Wales Corps on a basis not to be shaken.

“ God save the King !”

“ GENERAL ORDER.

“ Richard Atkins, Esq., Judge Advocate, is superseded from that office, and Edward Abbott, Esq. is appointed Judge Advocate during his suspension. Anthony Fenn Kemp, Esq., John Harris, Esq., Thomas Jamieson, Esq., Charles Grimes, Esq., William Minchin, Esq., Garnham Blaxcell, Esq., John Blaxland, Esq., and Archibald Bell, Esq., are appointed Magistrates; and those persons who heretofore performed the duties of that office are to consider themselves dismissed. Lieut. Lawson is appointed Aide-de-camp to His Honour the Lieutenant-Governor. Nicholas Bayly, Esq. is appointed Secretary to His Honour the Lieutenant-Governor, and to be Provost Marshal during the suspension of William Gore, Esq., who is hereby suspended from that office. John Palmer, Esq. Commissary, is suspended from that office; and James Williamson, Esq. is directed to take upon himself the charge of His Majesty's stores, and act as Commissary during his suspension.

“ Robert Campbell, Esq. is dismissed from the office of treasurer to the public funds, naval officer, and collector of taxes, and is hereby directed to balance his accounts, and to deliver them to His Honour the Lieutenant-Governor. Thomas Jamieson, Esq. is appointed naval officer.

“ By command of His Honour the Lieutenant-Governor,

(Signed)

“ NICHOLAS BAYLY, Secretary.

“ *Head Quarters, 27th of January, 1808.*”

On the 30th of January another general order was published, of which the following is an extract. Whether piety or hypocrisy is its leading feature, the reader will of course determine for himself:—

“ The Rev. Henry Fulton is suspended from discharging in future the office of Chaplain in the colony. [N.B. He had adhered to the Governor.]

“ The Officers, civil and military, are ordered to attend divine worship on Sunday next, at the New Church, and every well-disposed inhabitant is requested to be present to join in thanks to Almighty God, for his merciful interposition in their favour, by relieving them without bloodshed from the awful situation in which they stood before the memorable 26th instant.”

On the 12th of February Mr. Macarthur was ap-

pointed a magistrate of the territory and colonial secretary: on the second of that month he had been tried, on the indictment prepared by Judge Advocate Atkins, before a criminal court held under the precept of the Lieutenant-Governor, and consisting of the six officers who had been appointed to act in the same capacity on the 25th of January by Governor Bligh; Charles Grimes, Esq., Surveyor-General of the colony, acting as Judge Advocate on the occasion. The result of that trial was his unanimous acquittal—a result which confirms the opinion I have already expressed; viz. that with such jurors as the six officers, Mr. Macarthur had nothing to fear, and might therefore have gone to his trial before Judge Advocate Atkins with perfect safety. In regard to his official appointment—without derogating in the least from Mr. Macarthur's personal character and intellectual ability—it would surely have been much better for Major Johnston, if, under such circumstances as had occurred, it had not taken place.

In the mean time, different classes of persons throughout the colony regarded the subversion of Governor Bligh's authority very differently, according as they were severally influenced by their particular views and interests. The military and the grog-sellers of Sydney were quite vociferous in praise of the new *régime*, celebrating the accession of Major Johnston with bonfires, laudatory addresses, and the other customary demonstrations of joy. To increase the number of these addresses, and thereby to demonstrate to the British Government the universality of the feeling of

satisfaction that pervaded the colony in regard to the subversion of the late Governor's authority, wholesome stimulants were opportunely administered in various directions ; the fears of some individuals being adroitly wrought upon, while others were won over by unmerited indulgences. Mr. Arndell, one of Governor Bligh's magistrates, signed one of these laudatory addresses to Major Johnston, but addressed a private letter to Governor Bligh immediately after, assuring him that he had so done under the influence of fear. There was some ground for this feeling, it must be allowed ; Mr. Gore, the Provost-Marshal, having not only been suspended from his office, but imprisoned in one of the condemned cells of the jail for eleven weeks and four days, on a charge of perjury, forsooth, *in having made affidavit that Mr. Macarthur was out of his custody on the 25th*, for which offence he was afterwards torn from his wife and infant family, and sent to the coal mines at Newcastle for four months ; while Crosley, the emancipist attorney, who had merely acted at the request of the Judge Advocate, with the Governor's express permission, in preparing the indictment against Mr. Macarthur, was sentenced to seven years' transportation. On the other hand, rum from the King's store, permits to land and licenses to retail ardent spirits, grants of land and government cattle, were distributed largely to that part of the free population that either approved of the late measures, or were likely to do so *with proper encouragement* ; free pardons and other lesser indulgences being dealt out with equal profusion to the bond.

In this way a number of persons of the worst character were turned loose upon the colony, to the great annoyance of the free settlers;* and as an idea had also got abroad among the convicts that the colony had now become free, and that it was no longer obligatory to labour, the result was a state of anarchy that produced a general neglect of the cultivation of the soil, and was otherwise distressing in the extreme to the well-disposed part of the population.

The encouragement which Governor Bligh had uniformly extended to that part of the population, during the short period of his government, had rendered him extremely popular, both among the free emigrant and the better part of the emancipated convict settlers, and united them strongly in his favour. To prevent a reaction,† therefore, all public meetings (saving and except

* In Major Johnston's despatch to Lord Castlereagh, of date April 12, 1808, which was written by the Colonial Secretary, much credit is taken for having relieved the King's stores of the maintenance and clothing of *three hundred persons*. It is easy to do His Majesty a service of this kind at any time in New South Wales, simply by throwing open the jail door, or turning loose the jail gang.

† That something of this kind was actually apprehended is rather insinuated than expressed, in the following paragraph of Major Johnston's despatch to Lord Castlereagh, referred to in the preceding note:—
“I am now, my Lord, arrived at the most painful part of my task—an explanation of the causes that have prevented me from preparing a better and arranged statement of the transactions in which I have been engaged: it is with deep concern I find myself obliged to report to your lordship, that the *opposition* of those persons from whom I had most reason to *expect support*, has been one of the principal obstacles I have had to encounter.” And again; “The unanimity in which I felt so much pleasure, I quickly discovered was not to be preserved without a sacrifice of His Majesty's interests, and a departure from the regulations that have been made to check the importation of spirituous liquors into

for the purpose of addressing the existing authorities) were strictly prohibited; and so vigilant was the superintendence of the dominant party in this particular, that information having been given that meetings were, nevertheless, held weekly by the Presbyterian settlers of Portland Head, Lieutenant Bell was despatched with a constable on the day of meeting to take cognisance of the matter, and, if necessary, to disperse the unlawful assembly: but finding them all peacefully engaged in the public worship of God, (for the day of meeting was the Sabbath,) he remained till the conclusion of the service, and then assured them they should experience no farther annoyance. The Presbyterian settlers had, probably, incurred suspicion by their refusal to attend the muster of their district, which had been ordered by the existing authorities shortly after the Governor had been deposed; or to recognise these authorities in any way.

But though prevented from making any open demonstration in favour of the Governor, the free settlers were still anxious to do every thing in their power for His Excellency, now especially that *his back was at the wall*.

With this view, two respectable individuals of that class, viz. Mr. George Suttor, and, if I recollect aright, Mr. Smith or Mr. M'Dougall, both of Baulkham Hills—a small settlement beyond Parramatta, long deservedly famous in the colony for its valuable orange-groves—exerted themselves in getting a memorial to His Excellency. In fact, it was a scramble that Major Johnston's supporters wanted, and not a mere change of government. Like sailors when a ship is sinking, they wanted to get at the rum casks.

Majesty's Government, in favour of Governor Bligh, drawn up and signed by the free settlers, and forwarded to England : but the circumstance being discovered by the existing authorities, they were both subjected to a long imprisonment, for going about, forsooth, *to disturb the peace of the colony* ; and ways and means were adopted to counteract their memorial by vilifying the character of the whole body to which they belonged.

This procedure on the part of the free settlers rendered it expedient for the existing authorities to get rid of Governor Bligh as soon as possible : for this purpose he was at length forced to leave Government House, where he had uniformly been kept under the closest restraint, being followed by a sentry wherever he went, and was thenceforth confined with his daughter to a subaltern's apartments in the military barracks, where he was kept a close prisoner, and was not permitted to have any intercourse with his friends. After much fruitless negociation, however, he was allowed, in the month of March, 1809, on condition of his proceeding forthwith to England, to resume the command of His Majesty's ship Porpoise, which was then lying in the harbour, and on board of which he accordingly embarked : but instead of proceeding direct to England, he sailed for the Derwent River in Van Dieman's Land, which was then a dependency of New South Wales. He was there treated at first with every degree of respect ; but despatches being forwarded in the mean time from head-quarters, giving information of the conditions on which he had been permitted to leave the parent colony, an attempt was made to seize his person, and he was obliged to re-

embark. He remained on the coast of that island, in daily expectation of despatches from England, during the remainder of the year 1809, and was lying in Adventure Bay, when Colonel Macquarie arrived in Sydney, on the 28th of December of that year, as Governor of New South Wales; the affairs of the colony having been successively administered during the period that had elapsed from the subversion of his authority, on the 26th of January, 1808, by Major Johnston, Lieutenant-Colonel Foveaux, and Colonel Patterson, of the New South Wales Corps. Colonel Macquarie had been ordered to reinstate him in the government of the colony for the period of twenty-four hours after his own arrival; but in consequence of his absence at the time, this was not done. He was apprised, however, by Lord Castlereagh, who was then Secretary of State for the Colonies, that “the mutinous outrage committed upon him had caused the strongest sensation, and that His Majesty had ordered Major Johnston to be sent home in strict arrest, to be brought to trial for his conduct, and the New South Wales Corps to be relieved by the 73rd regiment.” He was empowered at the same time to carry home with him to England all such persons as he should think necessary to appear in evidence, “to substantiate the charge of that officer’s mutinous proceedings.”

Much credit has been claimed for superior management by the friends of the interim government, on the ground that no bills were drawn for a considerable period on His Majesty’s Treasury, for the public expenses of the colony: but who would have taken such

bills in such circumstances? The government herds, however, were sadly diminished in number during that period; duties on imports were imposed, and levied, and expended; and the King's stores, which were well replenished under Governor Bligh's administration, soon presented a *beggarly account of empty boxes*. The gentlemen of the New South Wales Corps were not the men to govern a colony for nothing; for I conceive it is much the same whether the King's debts are paid by bills on his Treasury, or by selling his goods.

Captain Bligh arrived in Sydney from Van Dieman's Land in the month of January, 1810, a few weeks after the arrival of Governor Macquarie: he sailed for England on the 12th of May, and arrived on the 25th of October following. There had been a change of ministry in the mean time, and the new authorities were for some time wonderfully indifferent about the colony. Besides, every means which the ingenuity of malignity could devise, had been used by Governor Bligh's enemies,—and, I am sorry to add, not altogether unsuccessfully in certain quarters,—to ruin his character, and to render him an object of universal detestation. He was immediately promoted, however, to the rank of Rear Admiral in the navy, and was employed in active service; and on his application to the proper authorities, Lieutenant-Colonel Johnston, who had in the mean time obtained a step through the death of Colonel Patterson, was at length brought to his trial before a court-martial held at Chelsea Hospital on the seventh of May, 1811, Lieutenant-General Keppel, president. The trial lasted for thirteen days, many witnesses having

been examined who had been brought home to England from New South Wales, both on the part of the prosecution and on that of the defence, at a prodigious expense to the public. For the decision of the Court, see Appendix, No. 7.

In the course of the trial the most frivolous and unfounded charges were brought by Colonel Johnston's witnesses against Governor Bligh. It was attempted to be established, for instance, that he had been in the habit of pulling down the houses of private individuals, and preventing them from building on their allotments. In answer to this charge, it was proved satisfactorily that a line of demarcation had been drawn around Government House by Governor Phillip, within which no private individual was allowed to erect any building: Governor King had, however, allowed a few cottages to be built within the line by private individuals, to the great inconvenience and annoyance of his successor. These cottages, which at best had been but paltry erections, Governor Bligh had ordered to be removed within a certain limited period, which was afterwards extended; offering the proprietors, however, eligible allotments in other situations, together with assistance from Government for the erection of other cottages. A similar line of demarcation had, it seems, been drawn by a former Governor around St. Philip's church in the town of Sydney; within which, however, Governor King had granted an allotment to Mr. Macarthur a few months before he left the colony. That allotment remained unoccupied and unenclosed till the middle of January, 1808, when the affair of the Parramatta

schooner had placed Mr. Macarthur in some measure at variance with the authorities. In the mean time, the Governor had signified to Mr. Macarthur, through the Surveyor-General of the colony, that he was not to fence in the allotment, as he had written to the Secretary of State on the subject of its appropriation ; but that he might have any other vacant or unappropriated allotment in the town. Mr. Macarthur accordingly pointed out three different allotments, all of which he was told, however, had already been appropriated for other purposes. Not choosing to make any other selection, he then notified to the Surveyor-General that he was determined to keep the allotment he had got from Governor King, and accordingly hired certain soldiers of the New South Wales Corps to enclose it with a fence : the Governor, however, having ordered the superintendent of convicts to prevent the enclosure of the ground, the latter did so accordingly by pulling up the first post that was erected for the rail fence. To the charge of unjustly interfering with private property, founded on this transaction, the Governor replied, that in addition to the allotment having been expressly included in a previous reservation for the church—on which subject he had particularly solicited the Secretary of State's commands—it contained a public well, which had long supplied many of the inhabitants of Sydney with water. To the truth of this statement I can bear testimony, as part of the allotment in question, including the well, was afterwards granted by Sir Thomas Brisbane to the Scots church ; and, singular as the coincidence may appear to the reader, when the

parties in charge of the ground proceeded to fence it in, during the year 1824, at a time when Sir Thomas Brisbane was absent at Moreton Bay, and the writer in England, the civil engineer of the colony, who wished to have a part of it appropriated for some other public purpose, caused the fence to be torn down, and erected a house, for Government purposes, on a portion of the allotment, observing that "the Government had given the Scots church nothing that could not be resumed." Governor Bligh's principle was very different: it was merely that no Governor could grant to any private individual what had already been appropriated by a former Governor for the public service. But, even supposing that His Excellency's endeavour to dispossess Mr. Macarthur of the allotment in question was an unjustifiable interference with private property, and that the fine awarded in the case of the Parramatta schooner was equally unjustifiable; redress could have been had in either of these cases by an appeal to the Secretary of State; and the circumstance of there having been no such appeal presented in any case during Governor Bligh's administration, and no complaint made against him from the colony previous to his arrest, is a sufficient proof that proper means had not been resorted to by the parties concerned in that violent measure, before proceeding to extremities.

It was also asserted, that Governor Bligh had interfered with the sentences of courts of justice, and had even caused individuals to be punished twice for the same offence. This allegation was most distinctly and satisfactorily disproved in every instance, without ex-

ception, to which it referred. Nay, it was even proved that Governor Bligh had caused the practice of inflicting arbitrary and illegal punishments, (as in the case of the imprisonment and subsequent liberation of convicts without a magistrate's warrant,) which had been in use under his predecessors, to be discontinued. The testimony of Richard Atkins, Esq., Judge Advocate of the colony, both on this particular and in regard to Governor Bligh's general character as a lover of impartial justice, was most remarkable. That individual was one of Colonel Johnston's principal witnesses: he had been reinstated by that officer some time after Governor Bligh's arrest, having been previously shown a private letter of the Governor to the Secretary of State, recommending his dismissal from the office of Judge Advocate. That letter, which had been seized along with all the other private and confidential papers of that unfortunate officer, contained the following character of Mr. Atkins; Governor Bligh having been desired by the Secretary of State to inform him privately of the characters of individuals holding office in the colony:—

“ He has been accustomed to inebriety; he has been the ridicule of the community; sentence of death has been pronounced in moments of intoxication; his determination is weak; his opinion floating and infirm; his knowledge of the law is insignificant, and subject to private inclination; and confidential causes of the Crown, where due secrecy is required, he is not to be trusted with.”

But notwithstanding his knowledge of this most unfavourable testimony, which had been given of himself by Governor Bligh, and urged by that officer as a

ground for his dismissal from office, it is nevertheless the fact, and it is much to the credit of Mr. Atkins, that when asked by the Court on Colonel Johnston's trial, "if Governor Bligh," whom he had every opportunity of knowing thoroughly, "conducted himself during his government as an honourable, upright, and honest man;" he replied, "as an honourable, honest man, Sir; upon my word, I believe he did: taking from the first day that Governor Bligh assumed the government to the last day when it concluded, I have no reason to think otherwise."

It was even attempted to be proved against Governor Bligh, as an evidence of his utter unfitness for the situation to which His Majesty had appointed him, that he had allowed the public buildings to fall into a state of dilapidation. It was admitted, however, that he had completed the church in Sydney, which had only been commenced by his predecessor; and that he had also done what was requisite to improve the appearance of the other public buildings previously erected. It must be borne in mind, however, that Governor Bligh had only been allowed to retain the government of the colony for seventeen months; and that whereas he had found the colony at the commencement of that period in a state of misery and starvation, he had brought it, through his judicious measures, and the blessing of Divine Providence, into a state of plenty and prosperity. It would have tended much more to the general advancement of the colony, if his successor, Major-General Macquarie, had been less ambitious than he actually was in the article of public

buildings, and equally solicitous about the moral welfare of the people.

That Governor Bligh was a passionate man, extremely irascible in his disposition, and disposed occasionally to give utterance to his angry feelings in language unbecoming an officer and a gentleman, I willingly admit; but that he had any other end in view than the administration of impartial justice, and the general welfare of the colony he was deputed to govern, I can find no ground whatever for believing. On the contrary, "his very failings lean'd to virtue's side." He found individuals in the colony who had received *extraordinary* indulgences from the home Government; and it was evidently his desire that all deserving persons, of the class of free settlers, should in future share alike.

But Colonel Johnston and his supporters, and especially Mr. William Wentworth, the barrister, whose father, Mr. D'Arcy Wentworth, he had suspended from office, say he was a coward; and Colonel Johnston and Mr. Wentworth are both honourable men. I shall leave Governor Bligh to reply to this charge in person:—

"My situation is embarrassed," observes the old Admiral, in his reply to Colonel Johnston's defence, "by Col. Johnston having made a personal and invidious contrast between himself and me. He has said, 'That to him the situation of prosecutor or defendant is new and painful; but that such have been the misfortunes attending my service, that a series of prosecutions by and against me, and always referring to my personal conduct, have marked my career; mutiny and insubordination are the charges I have repeatedly preferred; tyranny and oppression are the offences for which I have been tried, and on full proof reprimanded.' He adds, that it is painful to speak in terms of censure of a British officer; but what pain will it give him to learn that the statement is

false, and the censure misapplied? I never before preferred a charge of mutiny, nor have I ever been in any way involved in one, except in the case of the *Bounty*, and the mutiny at the *Nore*. As to the first, on my return I was instantly promoted from the rank of lieutenant, and within a month after was made a post-captain: the mutineers were tried in my absence; and it fully appeared that no severity on my part gave occasion to the offence. As to the mutiny at the *Nore*, I little thought any officer would have looked back to such an event, and least of all for the purpose of calumniating a captain in the navy. Twice only have I been defendant at a court-martial; once for the loss of the *Bounty*, when I was honourably acquitted; and on another occasion, when I was only desired to be more guarded in my language. Three times I have been a prosecutor, and in one instance the charge arose out of the very mutiny which is now before the Court: but in a case of mutiny I never before was prosecutor—and of tyranny and oppression I was never found guilty. I am the more anxious about this, because this is not the only instance in which a needless attack has been made on my reputation. A hopeless defence was protracted for the purpose of putting on the minutes an imputation of cowardice, equally false with respect to myself, and useless to Col. Johnston; to explain which, I must trespass a moment on the time of the Court.

“Just before I was arrested, on learning the approach of the regiment, I called for my uniform, which is not a dress adapted to concealment; and going into the room where the papers were kept, I selected a few which I thought most important, either to retain for the protection of my character, or to prevent from falling into the hands of the insurgents:—among the latter were copies of my private and confidential communications to the Secretary of State, on the conduct of several persons then in the colony: with these I retired up stairs, and, having concealed some about my person, I proceeded to tear the remainder. In the attitude of stooping for this purpose, with my papers about on the floor, I was discovered by the soldiers on the other side of the bed. As to the situation in which it is said I was found, I can prove by two witnesses that it was utterly impossible; and I *should* have done so in the first instance, had I not thought that Col. Johnston was incapable of degrading his defence by the admission of a slander, which, if true, affords him no excuse; and, if false, is highly disgraceful. I know that Mr. Macarthur wrote the despatch in which this circumstance is mentioned with vulgar triumph; but I could not anticipate that Col. Johnston's address to the Court would be written in the same spirit; and that after being the victim of Mr. Macarthur's intrigues, he would allow

himself to be made the tool of his revenge. It has been said that this circumstance would make the heroes of the British navy blush with shame and burn with indignation: I certainly at such a suggestion burn with indignation; but who ought to blush with shame, I leave others to determine.

“The Court will forgive me if I intrude a moment on their time, to mention the services in which I have been employed. For twenty-one years I have been a post-captain, and have been engaged in services of danger, not falling within the ordinary duties of my profession:—for four years with Capt. Cook in the *Resolution*, and four years more as a commander myself, I traversed unknown seas, braving difficulties more terrible because less frequently encountered. In subordinate situations I fought under Admiral Parker at the Dogger Bank, and Lord Howe at Gibraltar. In the battle of Camperdown, the *Director*, under my command, first silenced and then boarded the ship of Admiral de Winter; and after the battle of Copenhagen, where I commanded the *Glatton*, I was sent for by Lord Nelson to receive his thanks publicly on the quarter-deck. Was it for me then to sully my reputation and to disgrace the medal I wear by shrinking from death, which I had braved in every shape?—An honourable mind will look for some other motive for my retirement, and will find it in my anxiety for those papers, which during this inquiry have been occasionally produced, to the confusion of those witnesses who thought they no longer existed. * * *

“I left the command of a seventy-four gun ship in the Channel to take the government of the colony. In all my general orders or public regulations, not one appears founded on private interest, or even friendly partiality. The barter of spirits, a source of emolument to other Governors, I prohibited; the confined distribution, an advantage to myself in common with all the officers, I extended; the former practice of irregular committal to prison I abolished; the limits of arbitrary punishment I contracted. I consulted the general good of the colony, instead of allowing myself to be guided by the selfish policy of a few individuals; and I determined that all ranks alike should be respectful and obedient to the law. But these were the offences which rendered me unfit to govern.”

It is well known that the proceedings of courts-martial are never published till the sentence has either been pronounced or ratified by the Commander-in-chief. On the occasion, however, of the trial of Colonel Johnston,

a surreptitious and false document, purporting to be a copy of the sentence, and containing various severe reflections on Governor Bligh, which formed no part of the real judgment of the Court, was drawn up by some party interested in the issue of the trial, and published in a newspaper of the period, called "The British Express," from which it was immediately copied verbatim into most of the other periodicals of the kingdom. A copy of the Express, containing the document I allude to, was folded up, wet from the printing-office, and forwarded in an envelope to Admiral Bligh; and in the inside of the envelope there was sketched the figure of a pistol, intimating, doubtless, that the old Admiral had now nothing farther to do than to use that instrument effectually, and be off! In taking leave of the subject, on which I flatter myself the reader will not suppose I have dwelt too long, when he recollects that the preceding details involve the vindication of the character of a deeply injured and most unfortunate, but really meritorious British officer, I cannot help remarking, that although Governor Bligh by no means merited unqualified commendation for his government of New South Wales, his adversaries were evidently conscious that their own cause was utterly indefensible when they deemed it required such diabolical support.

As the reader will doubtless feel somewhat interested in the subsequent history of Colonel Johnston, whose criminality in the whole course of this untoward affair was rather the result of misfortune than of misconduct, I shall only add, that he returned to New South Wales shortly after his trial, and spent the remainder of his

days in the colony, where he died universally regretted during the government of Major-General Macquarie. Colonel Johnston was of a highly respectable family in Annandale in Scotland; and having obtained a commission in the army at the early age of twelve years, he commenced his military career in America; and had served both in India and on the coast of Africa, before embarking for New South Wales on the first establishment of the colony.

CHAPTER V.

ACCOUNT OF THE STATE AND PROGRESS OF THE
COLONY DURING THE GOVERNMENT OF MAJOR-
GENERAL MACQUARIE.

Who would not live a year or two in Sydney,
To get acquainted with all its nonpareils;
To dine with people of a certain kidney,
And bask all in the sunshine of their smiles?
They don't live quiet as they ought, and hid. Nay;
Proud of expulsion from the British Isles,
Some glory in their shame! Very strange tales
Are told of gentlemen of New South Wales!

DIARY OF AN OFFICER IN THE EAST.

LACHLAN MACQUARIE, Esq., the fifth Governor of New South Wales, was lieutenant-colonel of the 73rd regiment, on his arrival in the colony; but before the close of his government he had attained the rank of a major-general in the army. He assumed the government of the colony on the 28th of December, 1809, and retained it for the long period of twelve years, or till the first of December, 1821.

The era of Governor Macquarie is not unfrequently referred to as the commencement of the prosperity and

the rising greatness of the British colony of New South Wales. He is styled the father of the colony; and one of the favourite modes of exciting the popular feeling against the late colonial administration was to contrast it with that of Governor Macquarie. I was induced, for a time, to receive these representations myself without hesitation and without suspicion; but a closer examination has induced me to qualify them with a few grains of salt.

Governor Macquarie entered on the government of New South Wales under the most favourable auspices. The New South Wales Corps, which had long controlled the government and repressed the energies of the colony, being at length ordered home to England, there was no organized body in the country to counteract his measures; and he had the 73rd regiment of the line, which had no previous connexion with its inhabitants, to support them. With a comparatively unlimited command of British money and convict labour, he had the experience of upwards of twenty years to guide him in regard to the best mode of expending the one, and of employing the other, for the benefit of the settlement; and as the grand experiment for which the colony had been originally established had now been under trial for a long series of years, it required only common discernment to ascertain, and common sense to pursue, what was best calculated to promote the welfare of the free, and to hasten the reformation of the convict population. In short, Governor Macquarie had the remodelling of the whole political and moral framework of the colony most completely in his power; and the

position he thus occupied for a long series of years was consequently, in a moral and political light, much more commanding, much more influential, and much more important to the colony in all future time, than that of any of his successors.

Governor Macquarie commenced his administration by issuing two proclamations, agreeably to the instructions with which he had been charged by His Majesty's Ministers : the first was declaratory of the King's displeasure at the late mutinous proceedings in the colony ; the second rendered null and void all the acts of the interim government ; leaving the Governor, however, a discretionary power to act, both in regard to the past and the future, agreeably to the dictates of his own judgment. In the exercise of this power, he ratified most of the acts of the provisional government, honoured its bills on the Treasury, and confirmed for the most part its grants of land.

The general advancement of the colony during the government of Major-General Macquarie was evident and undeniable, and was doubtless owing in no small degree to his vigorous administration.*

One of the first duties of a Governor in a new colony is to open practicable lines of communication between its different settlements, and to render its available territory easily accessible ; and there is no colony in the empire so happily circumstanced in this respect, or in which the Governor can discharge this part of his duty with so much efficiency, as New South Wales.

* See extracts from Governor Macquarie's Report to Earl Bathurst, in the Appendix, No. 8.

The unlimited command of convict labour for this purpose is an advantage of inestimable value to that colony ; while, on the other hand, the formation of roads and bridges is unquestionably the most appropriate employment in which persons of that description can possibly be engaged : for as it is the intention of the law that the convict should be punished, it is doubtless the business of the Colonial Executive not only to carry that intention into effect, but to render the punishment at the same time as beneficial as possible to the colony ; and, in my opinion, it would be difficult to point out any method of employing the convict labour of the colony, in which these two important objects could, under a proper system of management, be more fully or more unexceptionably attained.

Governor Macquarie's exertions in this respect were above all praise. There had been a sort of road previous to his arrival between Sydney and Parramatta, which had been continued to Windsor and Richmond, to afford the numerous settlers on the Hawkesbury an easy access to the capital. This line of road, extending about forty-five miles, Governor Macquarie greatly improved. He also constructed a good road to Liverpool, a settlement about twenty miles from Sydney, which he had formed on the banks of George's river, a navigable stream of minor consequence, which empties itself into Botany Bay ; and he subsequently continued it in three different directions to the westward and south-westward, viz. to the Cow-pastures, the district of Bringelly, and the agricultural settlements of Campbelltown, Airds, and Appin.

The Cow-pastures is an extensive agricultural and grazing district, situated about forty miles to the south-westward of Sydney, and watered by a river called the Cow-pasture River; which, after its junction with the Warragumby, a stream issuing from the Blue Mountains, forms the Nepean. It was discovered during the government of Captain Hunter, in the year 1796, and derived its name from a herd of wild cattle which were found ranging over its untraversed wilds when it was first discovered by civilized man. These cattle, it was afterwards ascertained, were the offspring of two bulls and three cows, of the Cape of Good Hope buffalo breed, which had been landed in the colony by Governor Phillip, but had strayed into the woods during the first week after the formation of the settlement, and could never afterwards be recovered.

But the greatest achievement effected by Governor Macquarie in the way of road-making, was the road across the Blue Mountains to Bathurst, a flourishing settlement about one hundred and thirty miles to the westward of Sydney. In the year 1813, three gentlemen, whose names deserve to be honourably mentioned, viz. Mr. Wentworth the barrister, and Messrs. Lawson and Blaxland, two respectable settlers of old standing in the colony, determined, during a severe drought which had burnt up the herbage in the eastern part of the territory, and caused a severe mortality among the cattle, to cross the Blue Mountains, the seemingly impassable adamant wall of the colony, in search of a pastoral country to the westward. The attempt had repeatedly been made before, but always without suc-

cess. Mr. Caley, a botanist, had penetrated to the greatest distance reached by any previous adventurer among the mountain ranges ; but had been obliged at last to give up the attempt to cross the mountains, after erecting a heap of stones at a spot which has since been called Caley's Repulse, and which he considered the *ne plus ultra* of Australian discovery to the westward. The place was pointed out to me by a respectable settler of the Bathurst district on crossing the mountains for the first time in the year 1826, on Governor Macquarie's road. It is certainly a most remarkable locality ; nothing being visible in any direction but immense masses of weather-beaten sandstone rock towering over each other in all the sublimity of desolation ; while a deep chasm, intersecting a lofty ridge covered with blasted trees, seems to present an insurmountable barrier to all farther progress. This barrier, however, was happily surmounted, though with incredible difficulty, and the loss of several of their beasts of burden, by the gentlemen I have mentioned ; who succeeded at length in reaching a most extensive tract of open pastoral country to the westward, to which thousands of the famished sheep and cattle of the colony were immediately driven across the mountains from the eastern section of the territory.

As it was of great importance to the colony, in the circumstances in which it was then placed, to render the vast extent of available country which had thus been laid open easily accessible, Governor Macquarie immediately placed the whole of the disposable convict labour of the colony on the mountain-tract, which the resolute dis-

coverers had successfully pursued, and in a period of time incredibly short succeeded, chiefly by dint of promises and rewards, in forming a good road to Bathurst, of which at least fifty miles traverse an extent of country the most rugged, mountainous, and sterile imaginable. Indeed, there was a vigour about Governor Macquarie's administration, of which even at this distance of time it is quite refreshing to contemplate the effects; and which, under the guidance of a better-regulated judgment, would have led to the happiest results. The whole extent of road constructed during Governor Macquarie's administration was two hundred and seventy-six miles; and along this whole extent substantial wooden bridges were constructed wherever they were required.

The number of public buildings of every description erected by Governor Macquarie, not only in Sydney and Parramatta, but in all the other settlements of the colony, as well as in the principal settlements of Van Dieman's Land, which was then a dependency of New South Wales, would almost exceed belief. The list occupies ten closely printed folio pages of a Parliamentary Report, and includes not fewer than two hundred and fifty particulars. In short, if brick and mortar could have ensured immortality, Governor Macquarie erected public buildings enough in New South Wales to render his colonial fame imperishable.

I am not prepared, however, to regard this part of Governor Macquarie's procedure with unqualified approbation. "It has been his misfortune," observes Mr. Commissioner Bigge, in his report to the House of

Commons on the state of the colony of New South Wales during Governor Macquarie's administration, "to mistake the improvement and embellishment of the towns for proofs of the solid prosperity of the colonists, and to forget that the labour by which these objects have been procured, was a source of heavy expense to the British treasury, and that other means of employment might have been tried and resorted to; the effect of which would have been to regulate in a cheaper and less ostentatious form, the progress of colonization and of punishment."

Indeed, Governor Macquarie appears to have been remarkably distinguished for what the phrenologists would denominate "a remarkably full development of the organ of constructiveness, together with a somewhat sizeable organ of vanity." Now, in so far as the former of these propensities led His Excellency to lay down an entirely new plan for the town of Sydney, (which, previous to his arrival, was a mere assemblage of paltry erections holding a sort of intermediate place between a hut and a house, and disposed in every possible form of irregularity and confusion,) and to inspire its inhabitants with a laudable regard for external appearances, it was evidently highly beneficial to the colony; for in these respects the town of Sydney undoubtedly owes every thing to Governor Macquarie. But, in so far as these propensities led His Excellency to erect numerous public buildings, of very questionable utility, or rather of no utility whatever in the actual circumstances of the colony, for the purpose apparently of transmitting his own Celtic name to succeeding generations, and

thereby to keep whole hordes of convict mechanics and labourers congregated in the towns of the colony, instead of dispersing them as widely as possible, and employing them in the clearing of land and the formation of agricultural settlements all over the territory ;— they occasioned a most extravagant and wasteful expenditure of British money, and proved a fruitful source of colonial demoralization.

There is doubtless some allowance to be made for Governor Macquarie's peculiar situation, in being left by the British Government to find employment as he could for the constantly increasing convict population of the colony, for whose labour there was necessarily but a very inadequate demand on the part of the free emigrant inhabitants of the territory. Referring to the circumstances of the colony and the method of distributing the convicts, who were then comparatively few in number, at the commencement of his own administration, Governor Macquarie observes, in his letter to Earl Bathurst, as follows ; viz. :—

“ On their arrival they were distributed amongst such settlers as required them, without favour or partiality ; the government only retaining such useful mechanics and proportion of labourers as were required for carrying on the public works : but the influx of male convicts for the last five years has been so great, and so very far exceeding that of former years, that the settlers had not employment for above one-eighth of the number that annually arrived in the colony ; the remaining seven-eighths being left to be maintained and employed by government. Hence it became necessary to employ this *large surplus* of men in some useful manner, so that their labour might in some degree cover the expense of their feeding and clothing.”

As there was thus comparatively little demand for

convict labour for agricultural purposes on the part of private individuals, or for opening new settlements for the location of additional free settlers, from the almost total cessation of emigration to the territory, Governor Macquarie was tempted to employ a large number of the convicts in the erection of public buildings, of very little utility to the colony generally, in the chief towns of the territory.

To a person of genuine philanthropy it cannot fail to be a subject of regret, that the whole of the money which was thus unnecessarily and extravagantly expended, should have been extracted from the pockets of a people already overburdened with the triple load of taxes, and tithes, and poor-rates; but it is aggravating in the highest degree to reflect, that through the mistaken policy, I might almost call it the absolute infatuation, of Major-General Macquarie, in this particular, a very large proportion of that expenditure, which was so willingly borne by the representatives of a right-generous and noble nation, under the idea of its being all carefully and judiciously applied in promoting the moral and general welfare of their own miserable outcasts, should have been actually incurred in carrying on a process of demoralization in the convict colony of New South Wales, and in preventing the attainment of the chief end for which that colony was originally established—the reformation of its convict population.

That a process of this kind was actually going on during the government of Major-General Macquarie, even while he was persuading himself that he was doing his best for the general welfare of the colony, no

person who gives the least attention to the subject can doubt for a moment. Had buildings only of absolute necessity for the public service been erected at headquarters, and had these buildings been of such moderate cost as befitted the circumstances of a penal settlement, the numerous emancipated convicts, who obtained small grants of land on the expiration of their sentences of transportation, would have been obliged to settle on these grants, to obtain a livelihood, and would thus in all likelihood have become industrious, temperate, and frugal. But the lavish expenditure of British money in the erection of public buildings in the colonial capital and in the other towns of the colony, formed an irresistible attraction to the great majority of this class of persons; and they accordingly sold their land forthwith, and settled in Sydney and the other colonial towns—some as labourers or mechanics, others as petty constables; some as dealers in general, others as dealers in rum. In short, there was plenty of employment, plenty of money, and plenty of rum, to be had in Sydney in the good old times of Governor Macquarie; and who that liked the last of these articles, would in such circumstances think of going elsewhere in search of the other two?

There are political economists of some note in the mother country who are perpetually recommending to Government the concentration of the population of the colonies; but a short residence in New South Wales would be sufficient to convince such persons of the utter inapplicability of their principle to the circumstances of a penal settlement. In fact, the concentration of an emancipated convict population, as Governor Mac-

quarie's experiment sufficiently proves, will infallibly be a concentration of vice and villany, profligacy and misery, dissipation and ruin. In such circumstances, *Divide et impera*, (Separate and command,) is as good a maxim in the moral, as it is generally in the political code.

The demoralizing influence indirectly resulting from the gratification of Governor Macquarie's taste for public buildings, cannot be more fitly illustrated than in the plan he pursued for the erection of a general hospital in Sydney. Had the convicts been dispersed over the territory in the way I have suggested, an hospital of comparatively small dimensions would have been sufficient at head-quarters: at all events, a plain, substantial edifice was all that was wanted for such a purpose, till the expense of erecting ornamental buildings could be borne by the revenue of the colony. The colonial architect, however, having submitted to Governor Macquarie a plan of a spacious and costly edifice, consisting of a centre building and two detached wings, to be erected of cut stone, with a double verandah or covered portico completely surrounding each of the three piles of building, he determined that it should by all means be carried into effect. With this view, as there were comparatively few artificers among the convicts at the time when this measure was resolved on, he made an agreement, on the part of the colonial government, with Messrs. D'Arcy Wentworth, Blaxcell, and Riley, by which these gentlemen stipulated to erect a building agreeably to the plan proposed, on condition of receiving a certain quantity of rum from the

King's store, and of having the sole right to purchase, or to land free of duty, all the ardent spirits that should be imported into the colony for a term of years. The *Rum Hospital*, as it was called at the time, was accordingly erected on these conditions ; and, standing, as it does, on the summit of one of the two ridges on which the town of Sydney is built, with a valley terminating in the beautiful inlet called Sydney Cove between, it is doubtless a highly interesting and striking feature in the general aspect of one of the most thriving and best situated commercial towns in the world.

I leave to the mere financier the task of reprobating the arrangement I have just mentioned, (which, it was universally believed at the time, was a highly gainful one to the parties concerned,) on the ground of its gross injustice to the community at large, as well as to those persons in particular who imported ardent spirits into the colony, and who were consequently obliged either to sell their commodity at whatever price the monopolists chose to offer them, or to keep it in bond for three or four years.* My sole concern with the

* In the year 1824, the Rum Hospital was calculated to be worth £20,000. I am confident as good a building could now be erected for £10,000. The quantity of Bengal rum which the contractors received from Government was 60,000 gallons, which at the time was worth the whole estimated cost of the building. The monopoly was for three years ; it was afterwards extended to three and a half, or four ; and, as the contractors could purchase spirits at three shillings and retail them at forty, it was supposed to be worth at least £100,000. In short, the monopoly was a sort of *regium donum*, or royal gift, over and above the fair market-price of the article bargained for.

The particulars contained in this note I have derived from a notandum

transaction is to calculate its true bearings on the professed object of General Macquarie's administration—the reformation of the convict population of New South Wales : and this is by no means a work of difficulty. The wages of the artificers and labourers, and the prices of the materials employed in the erection of the hospital, were, agreeably to the usual practice of the colony at the time, paid half in money and half in *property*, i. e., in tea, sugar, ardent spirits, wine, clothing, or any other article, either of necessity or of luxury, which the employer happened to have in his store, and which was uniformly charged to the labourer at an enormous per-centage above its real value, or even above its market-price in the colony. Determined, however, that not a single shilling of the money-half of the wages should, if it could possibly be prevented, ultimately find its way into any other pockets than their own, the worthy contractors erected one or more public-houses in the immediate vicinity of the place, where their numerous convict and emancipated convict mechanics and labourers received that moiety of their wages ; doubtless, to induce the miserable wretches, whose inability to withstand such temptation may well be conceived, to expend the last farthing of their earnings in the purchase of their exorbitantly priced and accursed liquor. In providing, therefore, for the

I happened to make in the year 1824 ; but from what sources the information was obtained—whether from documents or from persons acquainted with the circumstances of the transaction—I cannot at this moment recollect. If the statement should be erroneous in any particular, I shall be happy to stand corrected.

physical health of the colony, Governor Macquarie was actually overspreading the whole surface of its body politic, in a moral and spiritual sense, *with wounds, and bruises, and putrefying sores*, which have hitherto surpassed the skill of the ablest chirurgeon *to bind up*, or the efficacy of the most powerful *ointment to mollify*.

The lavish expenditure of British money in the erection of numerous public buildings of minor utility, and the extraordinary facility which was thus afforded to the emancipated convict population for indulging in every species of unhallowed dissipation, tended even to neutralize the most judicious measures which Governor Macquarie had himself adopted for their progressive reformation. A measure, for instance, of vast importance to the colony, which Governor Macquarie pursued with much greater zeal than success, was the formation of an agricultural population from the class of emancipated convicts. Adhering to the principle on which Governor Phillip had been empowered to act by the British Government, Governor Macquarie gave grants of thirty acres of land each to persons of this class on attaining their freedom. But there was this important difference between the system pursued by Governor Phillip and that of Governor Macquarie: Governor Phillip gave such grants of land only to individuals of good character, who, he had reason to believe, would settle upon the land, and make a good use of it; Governor Macquarie, on the contrary, appears to have given them indiscriminately to all: and whereas it was certainly by no means the intention of the British

Government that such grants of land should in any case be given to emancipated convicts for the purpose of being sold, it is nevertheless a notorious fact, that by far the greater number of Governor Macquarie's grants of this kind were never taken possession of by the grantees, but were sold immediately, and generally for rum.

I had once occasion to inspect a chart in the Surveyor-General's office, to ascertain something relative to a grant of land belonging to a reputable Scotchman, who had unfortunately fallen into pecuniary difficulties in the colony. On glancing at the chart, I observed that the land was bounded in one direction by a whole colony of *small settlers*, or proprietors of farms of thirty or forty acres each; but in afterwards adverting to the circumstance in conversation with the landholder, and asking him what sort of a neighbourhood he had got, I was somewhat surprised to find that he had no neighbours at all in that direction, and that what seemed on the Surveyor-General's chart a number of small farms, was merely a portion of the large and undivided estate of a colonial proprietor, who had been a merchant in Sydney during the government of Major-General Macquarie, and who had purchased in the way of his business, and in all probability for ardent spirits, a number of the Governor's *orders* for small grants of land, which, it seems, he had kept in abeyance till their united acres amounted to an extent which it was worth while for him to select in that particular locality.

"It appears to me," says Mr. Commissioner Bigge, in his Report to the House of Commons, already re-

ferred to, "that the system that has hitherto been pursued, of granting thirty acres of land to emancipated convicts without reference to their means of cultivation, is not attended with the beneficial results that were expected from it. They have, in many instances, been disposed of to obtain relief from pressing necessities, occasioned either by unfavourable seasons, bad soil, or the effects of dissipation or indulgence; and Governor Macquarie felt assured that many of the applicants that appeared before him, on the occasion to which I have just now alluded, had alienated by private and previous sales all right to the land for which they were applying.

"A rule had been promulgated by him, at an early period, and it forms a condition of every grant, that it shall not be disposed of or alienated within five years. This rule, however, has been violated by persons of every class in the colony."

All this malversation, which was not less ruinous to the individuals themselves than injurious to the community, might have been entirely obviated by a very simple arrangement. Had the Governor, for instance, merely made it a rule not to issue deeds or to give permanent possession of grants of land of this kind, until the grantees had, in each particular instance, resided upon the land for a certain period and effected certain specific improvements, an attachment to the spot would in all likelihood have been generated by residence and hard labour, ere the condition of proprietorship could have been fulfilled; and the disposition to sell would in all probability have been annihilated before the power to sell had been obtained. It was quite preposterous to

imagine that the *pickpocket* would become a *farmer*, to use Governor King's expression, by merely giving him an order for thirty acres of forest land, which he could instantly exchange for ten or fifteen gallons of rum in the town of Sydney, and be no poorer than he was before. As well might we expect the leopard to change his spots or the Ethiopian his skin, as expect that under such a system those who have been accustomed to do evil should learn to do well.

During the long course of his administration, however, Governor Macquarie did succeed in settling many families of emancipated convicts on small farms in various parts of the territory; as for instance, along the banks of the Hawkesbury and Nepean rivers, and at the agricultural settlements of Campbelltown and Appin; and had subsequent events not reduced many of these families to debts and difficulties, and obliged them at last to sell their farms, the result would doubtless have been exceedingly pleasing to the eye of philanthropy.

Governor Macquarie's situation as the Governor of a British colony was doubtless very peculiar. On his arrival in New South Wales, he found that but only a small portion of the ten thousand inhabitants of the territory consisted of free emigrants; and from the large annual influx of convicts, and the almost total cessation of free emigration during the whole period of his government, the proportion of that class of the general population of the colony was continually decreasing. In such circumstances it was almost to be expected that Governor Macquarie should entirely misapprehend the great end which the founders of the colony originally

had in view, or rather the means by which that end was to be accomplished ;—that instead of endeavouring on the one hand to work out the reformation of the convicts by means of a numerous and industrious free emigrant population, and to induce the British Government on the other, as his predecessor, Captain Phillip, had done, to hold out the requisite encouragement for the settlement of such emigrants throughout the territory, he should come to consider the free emigrant population of the colony as a mere excrescence on its body politic, or rather as a positive incumbrance and dead-weight on the community—constituting no part of the Government scheme in regard to the reformation of the convicts, and likely to prove a source of annoyance and counteraction to the colonial authorities. We find, accordingly, that although these may not have been the maxims which Governor Macquarie avowed, they were those, at least, that regulated his procedure.

It is allowed on all hands, that Governor Macquarie neither countenanced nor encouraged the class of free emigrant settlers throughout the colony, and that his procedure in this respect operated in so far as a complete check to emigration. He had been expressly enjoined in his letter of instructions from His Majesty's Ministers, to pay particular attention to those free settlers who had exerted themselves in favour of Governor Bligh ; but he entirely neglected them. In short, His Excellency's maxim was, " New South Wales is a country for the reformation of convicts ; free people have no right to come to it." He had doubtless

been strongly prejudiced against the class generally by the officers of the New South Wales Corps, to whom the free settlers were of course politically obnoxious, in consequence of their adhering to the deposed Governor.

Besides, it is reported on good authority, that immediately after his arrival in the colony, Governor Macquarie was advised by Lieutenant-Colonel (now General) Foveaux, who then commanded the New South Wales Corps, to bring forward, as much as possible, the emancipated convicts, or, as they are technically styled in the colony, the emancipists. This advice appears to have been followed with all the promptness and decision of his energetic character; for on the 12th of January, 1810, that is, *before he had been a month in the colony*, he appointed Andrew Thomson, a Scotchman of this class, to the office of the magistracy—an appointment, for which there had been no precedent in the previous history of the colony, and which can scarcely be justified on the plea of necessity. Governor Macquarie had, it seems, given some personal offence to Colonel Foveaux, and this apparently benevolent advice was the method which that officer employed of repaying the compliment; for, in reference to that advice, Colonel Foveaux is reported to have observed to his secretary, Lieutenant Finucane, “that he had now placed a blister on Governor Macquarie which he would never be able to remove.”

As the case of Andrew Thomson affords an illustration of the general policy pursued by Governor Macquarie in regard to the emancipists generally, it may

not be out of place to insert the following character and history of that individual from Mr. Bigge's Report to the House of Commons :—

“ From the account of the executor of A. Thomson, it appears that he was a native of Scotland, and that his relations there were itinerant traders in goods. He was transported to New South Wales at the age of sixteen, and on his first arrival in the colony served as a labourer in the stone-masons' gang at Parramatta. On the expiration of his sentence, he went to Windsor to reside as a settler, and he there engaged in business as a retail shop-keeper, and built some small vessels, in which he traded to Sydney: he also became superintendent of some of the convict labourers in the employ of government at Windsor. In all these occupations he was successful; his trade extended; he became possessed of farms; and made an establishment for the manufacture of salt, on a small island at the mouth of the river Hawkesbury, where he also continued to build small vessels; and it was here, and on the banks of the river, that, according to the accounts of several persons whom I found at Windsor, Andrew Thomson carried on the illicit distillation of spirits.

“ To his other employments, he added those of constable and public-house keeper, and through liberal credit and forbearance he acquired a great deal of influence amongst the class of smaller settlers in the neighbouring districts of the Hawkesbury. To a considerable share of natural shrewdness he added great activity of mind and body; and though quite uneducated when he arrived in the colony, he succeeded afterwards in acquiring the ordinary knowledge of a retail shop-keeper.

“ His conduct in these several capacities is considered to have been correct; but the habits of his domestic life were immoral.

“ I have been induced to make these observations upon the character and conduct of A. Thomson, not from any wish to detract from his merit as an individual, but because it is stated by Governor Macquarie, in the epitaph before alluded to, that ‘it was in consequence of his character and conduct that he appointed him to be a magistrate of the colony, and that by the same act he restored him to that rank in society which he had lost.’ These circumstances are also of still farther importance, as the appointment of A. Thomson to the magistracy was one of those acts of Governor Macquarie that has been urged most strongly against him by his enemies, and has been most questioned by his friends. * * *

“ Andrew Thomson was thenceforth admitted to the table of Governor Macquarie, and to that of the officers of the 73rd regiment, by a change of regulation, but not of feeling in the military body, that was no less remarkable than the change that had taken place in the sentiments of the civil chief.”

Governor Macquarie was certainly of an arbitrary disposition ; and his prejudices, in regard to the two classes of the free population of the colony, may perhaps have been a little embittered by the personal opposition he sometimes experienced, in regard to his favourite measures, from some of the free emigrant settlers. It is related, at least, that a reputable individual of this class having transmitted representations against his measures to the Secretary of State, Governor Macquarie, doubtless under the influence of strong irritation, observed in reply, “ that there were only two classes of individuals in New South Wales—those who had been convicted, and those who ought to have been so.” If His Excellency really made so gratuitous and so illiberal a remark, the circumstance sufficiently accounts for the seemingly anomalous fact, that he sometimes selected his friends and favourites from the class of those “ who ought to have been convicted : ”—whether they had ever been so in reality or not, I conceive it is of little consequence to inquire.

In short, Governor Macquarie appears to have been very sceptical in regard to the existence of virtue in any class of persons in the colony ; and another of the maxims, therefore, on which he seems to have acted was, that “ prosperous vice ought to be encouraged and rewarded.” The emancipated convict publican, who

had been successful in selling rum by the gill, generally ended the matter by converting his *tap* into a *store*, and selling it by the puncheon. At his outset in the colonial world, he was in the habit of supplying the small settlers of his own class in society with ardent spirits in small quantities, in exchange for proportionably small quantities of grain ; but having now written himself a merchant, he was in a fit condition to take a mortgage on the settler's farm in lieu of his annual supply of tea, sugar, slop-clothing, and rum, all of which were *booked* to him at a hundred per cent at least above the real value of the articles ; and by watching his opportunity, he was able at last to pounce upon the farm itself, like a vulture on its prey, and to hold the settler in future as a tenant-at-will on the land which he had cleared and cultivated with the sweat of his brow, and for which he had probably not received goods in all more than equivalent in real value to a single year's rent of the farm.* When wealth had in the process of time been acquired by such processes as this, Governor Macquarie considered

* " Pressed by their necessities, as well as by their love of excessive indulgence, and unable, from the want of proper buildings, to secure their produce when gathered, these thoughtless persons hasten to Sydney at the first opening of the King's store ; and if unable to obtain immediate admission for their grain, or baffled in their expectations by the confusion and want of regulation that prevails there, they sell it to the publicans, who are the only persons in the colony that possess the means of storing grain. They then buy dearly a few articles of the first necessity, which, with a supply of spirituous liquors, are soon consumed, and leave them in poverty and wretchedness, until the return of the next harvest brings with it a diminished return of produce, but affords a repetition of the same improvident indulgence."—*Report of the Commissioner of Inquiry on New South Wales.*

the individual in a fit condition to be restored to the place in society which he had lost, *not so much by his criminality as by his transportation*; and consequently, after a course of life tenfold more criminal perhaps in the eye of God than the one that had issued in his sentence of banishment, and a hundred-fold more injurious to society,—the wealthy emancipist could cherish the hope of being received at Government House, and presented as a fit associate for reputable men.

In short, it was not the retiring emancipated convict in the lower walks of life that Governor Macquarie especially delighted to encourage, by endeavouring to rescue him, as his predecessor Governor Bligh was in reality deposed for doing, from the iron gripe of his oppressor: it was that prominence in society which wealth uniformly gives its possessor in New South Wales, as well as in every other country, that attracted the notice of the Governor. The circumstance of being notorious for the violation of every principle of honour and integrity was no obstacle to the attainment of His Excellency's favour. The circumstance of being notorious for a life of open and outrageous profligacy, was no impediment to employment or promotion under the government of Major-General Macquarie.

It will not appear strange, however, that Governor Macquarie's measures should have rendered him extremely popular among certain classes in the colony, and caused this egregious mis-statement to be propagated and believed respecting him, viz. *that he was the real friend and patron of the emancipists*. For my own part, I conceive there is abundant reason to believe

that he was in reality the worst enemy of that class as a body that ever trod Australian ground. He patronized and befriended a few of their number, it is true; but that patronage was undoubtedly the ruin of the many. Had he followed up the truly wise and benevolent plans of his unfortunate predecessor, during the long course of his government, he would infallibly have transformed the great majority of the emancipists into an industrious and comparatively virtuous peasantry, with whose descendants the free emigrants and their offspring would in time have become gradually and undistinguishably blended; and he would thus have caused the moral wilderness to blossom as the rose: but the course he actually pursued has in great measure converted the colony, in so far as that numerous class of its population is concerned, into a great nursery of *publicans and sinners*.

As involving a system of penal discipline and reform, Governor Macquarie's administration of the government of New South Wales was unquestionably a failure. In the disposal and employment of the convicts during his government, these great objects of the original establishment of the colony were, if not uniformly, at least too frequently, postponed by objects of far inferior importance. In this opinion I am not singular. After enumerating the different kinds of labour in which convicts were employed on the government establishments of the colony during Governor Macquarie's administration, Mr. Commissioner Bigge makes the following judicious observations:—

“ Such are the several kinds of labour performed by the convicts retained in the service of government in New South Wales and Van Die-

man's Land ; and as they have grown altogether out of the presumed wants of the local governments, *little consideration has been afforded by them to the effects that they have produced, either in the shape of punishment or of reform.*

“ The distribution of the convicts in the first instance, the resumption of their services at subsequent periods, the extension of them beyond the terms assigned to others, have contributed to create an universal impression upon the minds of the convicts, that skilfulness in work, rather than immoral conduct, was the cause of their first enthrallment, and the measure of its continuance. This feeling produces discouragement, carelessness, and not unfrequently malicious and wanton destruction of the property of government.

“ The local temptations to plunder that assail the convict employed in the towns, and the habits of luxurious indulgence that he acquires during his period of compulsory service, tend to fix his residence there when he is emancipated ; and while the price of mechanical labour is thus enhanced to the settlers in the country, the habits of the mechanic himself become permanently depraved and licentious.”

The salutary effect of employment on the public works of the colony in the earlier period of its history, whether considered as a means of insuring the reformation of the convict, or of rendering him really useful to the community, is strongly contrasted by Mr. Bigge with the general effect of such employment during Governor Macquarie's administration. After observing that, “ in the years 1792 and 1793, many circumstances concurred to stimulate the exertions of the convicts,” such as the scarcity of food, the great demand for labour, and the infliction of summary and severe punishment for idleness or dishonesty, Mr. Bigge proceeds as follows :—

“ The agricultural operations, although limited to the use of the hatchet and the hoe, admitted both the employment of the most unpractised labourers, as well as an exact and severe apportionment of their labour to their skill and strength. The labour of government was not at that

time the labour that the convicts preferred: it was conducted at two places not then in the immediate neighbourhood of any settlers; and one of these places was distant three, and the other five miles, from the town of Parramatta; and neither were infected by the luxurious dissipation of that place, or by the temptations to plunder, that the increasing opulence and property of the settlers have since afforded.

“The species of labour likewise, in which they were instructed, was one that was in general use and demand; and when a convict was assigned to a settler from the government works, he was not, as at present, an useless incumbrance or expense, but he was capable of immediately affording some return by his labour, for the subsistence and clothing that was furnished to him. The superintendents themselves were, from circumstances of the moment, equally interested in augmenting the produce of the government labour; and they did not then, as many of them do at present, possess an interest that lies exactly the other way.”

I am also constrained, from a sovereign regard to truth, to remark, that the principle on which emancipations, tickets of leave, and other indulgences, were too frequently granted to convicts by Governor Macquarie, had a direct tendency to preclude the reformation of the convict, and to obliterate from his mind all sense of criminality. Convicts who had either brought money with them to the colony,—the fruit, perhaps, of their knavery in England,—or whose wives had followed them out with their accumulated and dishonest savings, or who had originally moved in a higher sphere in society than the mere labourer,—not unfrequently received tickets of leave on their arrival in Sydney, and were immediately placed in as comfortable circumstances as they had ever known in England, besides possessing facilities for making money such as they could never have anticipated in the mother country. Persons in these circumstances,

moreover, had only to render some small service to the government, as in supplying horses and carts for an expedition of discovery, for conveying the Governor's baggage when travelling in the interior, or for carrying stores and provisions to some road party, to obtain emancipation or entire freedom in the colony ; while it not unfrequently happened that others obtained similar indulgences through the recommendations of unprincipled magistrates, superintendents, or overseers, to whom they had rendered private services as the price of their corrupt influence. Of thirty-nine convict labourers on the Bathurst road, three obtained free pardons ; one, a ticket of leave ; and thirty-five, emancipations ; while seven convicts holding tickets of leave received emancipations merely for supplying horses and carts for the carriage of provisions and stores : nay, a convict who had been transported for the second time, and who, on his arrival in Sydney, had obtained a ticket of leave, and was allowed to open a public-house at Parramatta, obtained his emancipation for merely sending a horse and cart, under the charge of *his assigned convict servant*, to assist in conveying provisions and stores to the road-parties. Governor Macquarie had doubtless established regulations shortly after his arrival in the colony for the granting of indulgences to convicts *on their good conduct only* ; but as there had been no fewer than four hundred and fifty exceptions to these rules up to the time when Mr. Bigge commenced his inquiry, it is evident that the maxim of *exceptio probat regulam*, was, in Governor Macquarie's case, to be translated, "the numerous exceptions prove the rule to be of no value whatever." The effect of such a state of things

on the convict population of the colony may be easily conceived ; for, although the Governor was himself above suspicion, both in regard to the purity of his motives and the integrity of his conduct, a general belief was induced in the colony that “ the rewards of good conduct had become the subjects of sale and barter through the corruption of his agents.”

Governor Macquarie’s early efforts “ to bring forward” the emancipists had received much and perhaps injudicious commendation from the Parliamentary Committee on Transportation in the year 1812 ; and, although Earl Bathurst endeavoured afterwards to put him on his guard against the evil consequences that might ensue from incautiously pushing such a principle to extremities ; the circumstance appears to have not only confirmed him in his adherence to the course he was pursuing, but to have induced him to adopt every possible means of rendering it virtually imperative on all and sundry to follow his example.

That Governor Macquarie was right in the abstract, in endeavouring to restore to society individuals who had given undoubted evidence of their thorough reformation, is undeniable ; but the method he employed in effecting that praiseworthy object was not less objectionable, than his selection of individual emancipists for putting his benevolent experiment to the test was peculiarly injudicious. It may be laid down as a general principle, that if an individual who has been a convict becomes thoroughly reformed, he will exhibit a retiring disposition, and court obscurity ; and that, on the contrary, if a person of this class is obtrusive in his

demeanour, and ready on every occasion to thrust himself on the society of those who still regard him with aversion or suspicion, there is a moral certainty of his not being reformed at all. Governor Macquarie's reformed characters were unfortunately of the latter description; and His Excellency having taken extraordinary pains to have them forced into society, it was not at all wonderful that a considerable majority of the reputable portion of the inhabitants of the colony should refuse to submit to his dictation in a matter so entirely beyond the province of a Governor, and that much bitterness of feeling should be the unhappy result of the ill-managed experiment.

These efforts of Governor Macquarie were particularly obnoxious to most of the officers of the forty-sixth and forty-eighth regiments, as well as to certain of the civil officers and other respectable inhabitants of the colony; and as Governor Macquarie was unfortunately subject to the common weakness of military governors, in regarding as the enemies of his person and government all who were not disposed to make an entire surrender of their own judgments and feelings to his; the usual scenes of colonial warfare, crimination, and recrimination, ensued; and these jar-rings had, in this particular instance, the singularly unhappy effect of making the two classes, of which society is composed in the Australian colonies, regard each other with much more unfriendly feelings than if no such injudicious attempts to unite them had ever been made. These feelings still subsist; but, as the management of the colonial press, which, in the hands

of thoroughly unprincipled and worthless characters of the class of emancipated convicts, has hitherto been the most influential agent in keeping them alive for the worst of purposes, has at length passed into other and better hands ;—there is reason to hope that the moral evils of which they have long been productive in colonial society will now be gradually neutralized.

I should be sorry, however, to do so much injury to the memory of Governor Macquarie, as not to inform the reader that his errors were rather errors of the understanding than of the heart. He had evidently taken up a wrong idea of his duty in the very peculiar circumstances in which he was placed ; and being a man of much decision of character on the one hand, and a stranger on the other to that acuteness of moral sense which often compensates for obtuseness of intellectual vision, he was apt to push every thing to extremes. He encouraged and promoted marriage in those quarters in which a very different mode of life had been previously connived at ; and, in externals at least, the colony assumed quite a different aspect under his vigorous and energetic management from what it had previously worn. Towns were planned or improved during his government ; and the inhabitants were encouraged, by grants of land or other inexpensive gratuities, to erect substantial buildings. I have already noticed the discovery of the Bathurst country : the district of Argyle, the grand outlet to a well-watered agricultural and pastoral country of vast extent to the south-westward, was also discovered during his admi-

nistration. The Lachlan and Macquarie rivers, to the westward of the Blue Mountains, were traced by Mr. Oxley, the Surveyor-General, till they gradually disappeared in vast swamps in the western interior; and the river Hastings, with a large extent of pastoral country to the westward, called Liverpool Plains, was discovered to the northward. The agricultural penal settlement of Emu Plains, at the eastern base of the Blue Mountains, was formed during the government of Major-General Macquarie, as also the penal settlements of Newcastle at the mouth of the River Hunter, and of Port Macquarie at the mouth of the Hastings.

The highest talents and the most extensive acquirements are uniformly found conjoined with some weakness or other, to remind us of the condition of our mortal existence. Governor Macquarie's weakness was a rabid desire for immortality, that took a singular delight in having his name affixed to every thing that required a name in the colony; whether public buildings or remarkable localities, places, persons, or things. It was said of Greece by one of the ancient Roman poets, "There's not a stone i' the land without a name." * On my first arrival in the colony, shortly after the close of Governor Macquarie's administration, it appeared to me that a similar remark might with almost equal propriety have been made of New South Wales; with this difference, however,—that in the latter case the name for every thing was *Macquarie*. The

* Nullum sine nomine saxum.—JUVENAL.

Governor's weakness in this particular being easily discovered, the calculating colonists found it their interest to affix His Excellency's name to any thing he had given them in the shape of landed property, as in that case they were almost sure to obtain an extension of their grants. A worthy colonist, with whom I was sufficiently acquainted to learn the circumstance a few years ago, had at one time no fewer than two farms and a son—all called Macquarie.

A propensity of this kind on the part of the ruler was likely to be a fruitful subject of ridicule with those who were dissatisfied with his measures ; and the following instance of this species of colonial humour is not undeserving of preservation. The late Dr. Townson, LL.D., a gentleman of very superior literary and scientific acquirements, who had published a volume of *Travels in Hungary*, and had afterwards settled in New South Wales, was on some occasion entertaining a party of visitors at his residence, a few miles beyond the settlement of Liverpool, by showing them his extensive and well-stocked garden and orchard. One of the party, observing an insect on one of the trees in the grounds, asked the doctor, who was an eminent naturalist, what its name was. The doctor replied, with the utmost gravity, " It is a species of bug that abounds in the live timber of the colony : it has not yet got a name ; but I propose that it should be called *Cimex Macquarianus*, or *the Macquarie Bug*."

After a long and laborious administration of nearly twelve years, Major-General Macquarie was succeeded

in the government of New South Wales, on the first of December, 1821, by Major-General Sir Thomas Brisbane, K. C. B. He returned to his native land immediately after, and died, much and justly regretted by a large proportion of the colonists, in the year 1824.

CHAPTER VI.

ACCOUNT OF THE STATE AND PROGRESS OF THE
COLONY UNDER THE GOVERNMENT OF MAJOR-
GENERAL SIR THOMAS BRISBANE, K.C.B.

“Tanta benignitate præditus erat, ut neminem unquam a se, nisi hilarem ac spe plenum, discedere pateretur; omnia enim benigne pollicebatur, neque quicquam unquam petenti denegabat: quod si promissa præstitisset, tantam tamque inauditam in principe bonitatem omni laude, prædicatione, litteris, monumentisque decorandam existimarem: sed quanto gratior laudabiliorque ejus in promittendo facilitas ac liberalitas videbatur, tanto acerbior turpiorque in frangenda fide vanitas atque inconstantia judicabatur; promissa enim reposcentibus solitus erat respondere, *Non memineram me alteri promisisse.*”—Vita Papæ Leonis X., ab incerto auctore rescripta.

MAJOR-GENERAL SIR THOMAS BRISBANE, K. C. B. was the sixth Governor of New South Wales, and entered on the government of the colony on the first of December, 1821. Sprung from an ancient family of high standing in the west of Scotland, of approved valour and ability as a general officer in the army, and distinguished among military men and men of rank by the fame of his scientific acquirements in the department of astronomy, the appointment of Sir Thomas Brisbane

to the government of New South Wales was universally regarded as a circumstance of the happiest omen for the colony ; and the most sanguine anticipations were formed of its rapid progress and general advancement under his administration.

In these anticipations, I confess, I fully participated ; and as my forefathers had resided considerably upwards of a century on a small property which had originally formed part of the Brisbane estate, and which they sold at last to emigrate to New South Wales, it was natural that I should look forward with the fondest anticipations to the benefits which I expected would accrue to my adopted country from the government of Sir Thomas Brisbane, and that I should have esteemed it the highest pleasure to have been the recorder of his fame. I am reluctantly compelled to acknowledge, that these anticipations were but indifferently realized.

Sir Thomas Brisbane was a man (to use the language of the world) of the very best intentions. If good wishes, or even liberal promises, could have been of any avail to individuals who required his assistance as the Governor of a British colony, he was not the man to withhold them ; but being constitutionally disinclined to business, he was at the same time singularly deficient of that energy of mind which was requisite to carry his purposes into action ; and the consequence was, that though possessing for a considerable period the delegated powers of royalty, his good intentions were seldom realized, and his promises too frequently forgotten. It happened, therefore, as a matter of course, that while

overflowing with the milk of human kindness in his intercourse with all, he attached few, if any, to his person and government, and unhappily converted into his bitterest enemies those who would otherwise have been his warmest friends. In short, Sir Thomas Brisbane presents an instance of that singular assemblage of apparently inconsistent qualities of mind, which we are so frequently called to witness in actual combination in the anomalous history of man. Brave even to heroism on the field of battle, and possessing a keen discernment in the field of telescopic vision, he was nevertheless destitute of that decision of character which is indispensably necessary to ensure pre-eminence in the field of the world ; and which, moreover, in so far as my own experience and observation extend, constitutes the rarest, as it is perhaps the noblest, attribute of humanity.

I have said that Sir Thomas Brisbane had little inclination for business—I mean for such business as the Governor of New South Wales must make his daily employment, if he would discharge his duty to His Majesty or consult the welfare of His Majesty's subjects. The government of the colony was accordingly entrusted in great measure, for a considerable period after his arrival in the colony, to irresponsible inferiors, some of whom were as remarkable for their want of integrity as others for their incapacity : and the necessary consequence of this unhappy arrangement was, that while the general advancement of the colony was but indifferently studied, arbitrary acts—acts of injustice and oppression—were sometimes done, in His Excellency's name and under his authority, which his own better

feelings and better judgment would in other circumstances have disallowed.

It was in these circumstances that a despicable system of espionage, which prevailed in the colony to a certain extent up to the period of the present Governor's arrival, and under which no honest man was safe for a moment, was introduced and encouraged; for although Sir Thomas Brisbane would, in as far as he was personally concerned, have held such an instrument of government in perfect abhorrence; those who from time to time administered the government in his name had each his peculiar antipathies and predilections, which were diligently fostered by certain *listen-and-tell-all* aspirants for the honour and emoluments of informer-general of the colony: and, in a colony like New South Wales, abounding in needy adventurers, not less bankrupt in character than in fortune, the voluntary and undefinable duties of an office of this kind were likely to be sedulously discharged.

The government of Sir Thomas Brisbane will always be memorable in the annals of New South Wales as the era of free emigration. A few respectable families of the class of free emigrants had from time to time arrived in the colony, under the patronage of Government, during the administration of the preceding governors—a free passage being given them by the Government, and a grant of land on their arrival in the territory, with rations for their families and servants for a certain period afterwards from the King's stores. This system was discontinued, however, about the year 1818; Mr. Michael Henderson, a respectable free emigrant

from the south of Scotland, who arrived in the colony during that year, and who is now settled on the river Hunter, having been the first free emigrant who paid his own passage to New South Wales.

Towards the close of Governor Macquarie's administration, the capabilities of the colony became somewhat better known in the mother country, and the tide of emigration consequently began to set in towards its shores on the arrival of Sir Thomas Brisbane, and continued to flow with a steadily increasing velocity during the whole period of his government. The great distance of the colony, however, from the mother country, and the consequent expense of the passage-out, almost entirely precluded that class of emigrants, which chiefly abounds in the British colonies of North America, from emigrating to New South Wales; and, as it was chiefly persons who possessed the means of affording employment to the convicts that the Government wished to emigrate to that colony, grants of land in the territory, duly proportioned to the amount of their real and available capital, were held out by the home Government to those only who could produce satisfactory certificates of their possessing a capital of at least £500. From these circumstances, the numerous free emigrants who arrived in New South Wales during the government of Sir Thomas Brisbane were generally of a higher standing in society than the generality of the free emigrants who have settled in the British provinces of North America: some of them had been gentlemen-farmers, others were the sons of respectable landholders in the mother country; some of them had been unfortu-

nate in mercantile speculations, and others had just saved the remains of a property which they found daily diminishing at home, to form the nucleus of a better fortune abroad; some were actuated by the spirit of adventure, while others had been impelled to emigrate by the pressure of the times.

These emigrants, according as each preferred a particular locality, settled, for the most part, either in the pastoral country adjoining the Cow-pastures, or on the open plains of Bathurst, beyond the Blue Mountains; along the thickly-wooded alluvial banks of the Hunter and its two tributary rivers, or in what was then called the *New Country*, or the district of Argyle. The general extent of their grants was from five hundred to two thousand acres. Rations from the King's stores were at first allowed to each settler, and to a certain number of convict servants proportioned to the extent of his grant, for the term of six months after he had taken possession of his land; and he was also allowed a certain number of cattle from the Government herds, as a loan to be repaid in kind in seven years: but, in consequence of the number of emigrants rapidly increasing, these indulgences were afterwards discontinued.

The immense advantages resulting to the colony on the one hand, and to the Government on the other, from this influx of respectable free emigrants, during the administration of Sir Thomas Brisbane, cannot be better illustrated, than by contrasting the state of things in regard to the prison population at the close of Governor Macquarie's administration, when the tide of emigration was just beginning to flow to the colony;

with its state shortly after the commencement of General Darling's, when it had been flowing steadily for several successive years.

I have already shown how Governor Macquarie's endeavours to transform the emancipated convicts into an agricultural population generally failed of success. In fact, agriculture was a sort of employment to which the great majority of the convicts were decidedly averse; and the first use, therefore, which they usually made of their freedom, on the expiration of their respective sentences, was to betake themselves to the towns. From this cause the agricultural population of the colony was for a long period quite inadequate to supply the community with the means of subsistence; insomuch, that so late as twenty-five years after its first establishment, recourse had repeatedly to be had to India for grain at a prodigious expense to the Government. But as convicts continued to be poured into the territory every year, and as employment could not possibly be found for them all in the towns, Governor Macquarie was tempted to form agricultural and penal settlements in various parts of the territory; as, for instance, at Emu Plains, on the alluvial banks of the Nepean River, and at Newcastle, at the mouth of the river Hunter; where numerous convicts were employed, on account of Government, in felling timber, and in the processes of agriculture. Land was accordingly cleared to a considerable extent, and buildings erected in these localities at a vast expense to the British Government. But when the rapid progress of the colony, from the influx of free emigrants during the government of Sir Thomas Brisbane, had

rendered these establishments quite unnecessary, in the way of securing employment for the convicts, it was found that the value of the land in their immediate vicinity had been but little increased by all the labour that had been expended upon it; while the buildings were of no value at all, and were suffered, for the most part, to go to ruin.

But, notwithstanding the great number of convicts that were employed at these expensive government establishments towards the close of Governor Macquarie's administration, convict labour was so complete a drug in the colony, on the arrival of Sir Thomas Brisbane, and the colonial executive was so utterly unable to find suitable employment for the constantly increasing number on their hands, that any respectable person who pledged himself to the Government to employ and to maintain twenty convict servants, could immediately, and without any other recommendation whatever, obtain a grant of two thousand acres of land, or one hundred acres for each convict servant. My late father, Mr. W. Lang, arrived in the colony as a free settler in the month of January, 1824, having an order for a grant of land from Earl Bathurst. On presenting the order at the Colonial Secretary's Office, he merely pledged himself to employ twenty convict servants, and accordingly obtained a grant of two thousand acres; but in the year 1822, my younger brother, who had no order from the Home Government, but merely offered to maintain ten servants, on applying for a grant of land, obtained a grant of one thousand acres; while other young men of the same standing and in the same

employment, but a little more politic, by merely pledging themselves to maintain double the number of convicts, obtained double the quantity of land.

It was soon found, however, that in consequence of the continued influx of free settlers, the colonial government had by no means such a number of convict labourers to dispose of as they had anticipated, and were consequently so far from either requiring or compelling the grantees to fulfil their engagements by maintaining the number of convicts they had respectively pledged themselves to employ, that they were even unable to supply them with the number they actually applied for. One government farm was therefore wisely abandoned, and one penal settlement broken up after another; and the numerous convicts were distributed forthwith among the free settlers, who of course had comparatively little difficulty in devising ways and means of employing them advantageously in the cultivation and improvement of their respective farms. And so steadily did the demand for convict labour increase on the part of the free settlers, that during the government of Lieutenant-General Darling there were at one time applications for no fewer than two thousand convict labourers lying unsatisfied in the office of the principal superintendent of convicts.

I am, therefore, decidedly of opinion that Governor Macquarie's procedure in discouraging free emigration to New South Wales was impolitic and preposterous in the extreme; and I am equally confident, that if the British Government had steadily followed up the prudent suggestions of Governor Phillip, by encouraging

the emigration of free persons of reputable character in the earlier times of the colony, and by doing every thing that was requisite to promote their comfortable settlement throughout the territory; not only would the colony have raised sufficient grain for its own consumption at a much earlier period than it actually did, and thereby saved the enormous expense incurred by the frequent importations from India and Batavia; but flourishing agricultural settlements would have been gradually formed with the utmost facility, and at little or no expense to Government, all over the territory; while the highly important process of converting the prison population into an agricultural population would have gone on progressively and successfully; and the British Government would have been saved the enormous expenditure incurred on the government and experiment farms of the colony—an expenditure, which, I am fully persuaded, has proved of as little real benefit to the colony, as if the money had been thrown at once into the Pacific Ocean.

But, independently of these considerations, the long-continued neglect of the highly judicious recommendation of Governor Phillip, and the impolitic procedure of Governor Macquarie, have given rise to a most anomalous feature in the political constitution of New South Wales, which has hitherto been a fruitful source of perplexity to the governors, and of disunion in the colony:—I allude to the rise and influence of the emancipist body as a separate class in the community. Had a system of free emigration been duly encouraged and steadily pursued from the first settlement of the colony,

it would have been impossible for the class of emancipated convicts to have acquired any thing like political preponderance in the country. They would have been subject to no political disabilities, to which they are strangers at present; they would have *bought and sold, and got gain* as freely as they do now; and individuals of their number would ever and anon have been regaining, by the sheer force of their meritorious conduct, the place in society from which they had fallen, and the estimation they had lost. But their existence as a separate and prominent class in the colony,—a class on which political demagogues might successfully practise their O'Connellish arts of agitation, on whose universal suffrage they might count at all times, and on whose shoulders they might raise themselves to colonial distinction—would never have been dreamt of. The reader will doubtless perceive, that such a state of things would assuredly have been much more favourable than the present, to the peace and good government and general advancement of the colony; nay, much more conducive to the ultimate reformation of its convict, and emancipated convict, population.

In the more recently established penal colony of Van Dieman's Land, this better order of things has been happily realised. The emancipists of that colony are never heard of as a separate and influential body. Why? Not, certainly, because there are no such persons, or because they are subject to political disabilities unknown in New South Wales; but, simply because there has been a greater influx of free emigrants into that colony, in proportion to its size, than

into New South Wales ; and because the great majority of these emigrants arrived at a much earlier period in its history as a colony, than the corresponding era of free emigration to New South Wales ; and last, though not least, because there was no Governor Macquarie to disturb the natural order of things that ensued by casting his military sword and belt into the emancipist scale.

In Great Britain and the other states of Europe, the regulations of Government respecting the currency and the provisioning of the forces can only have a very distant and indirect bearing on the general prosperity of the country, and can have no perceptible influence on the national morality : in the small community of New South Wales, however, the case was so very different during the administration of Sir Thomas Brisbane, that two injudicious measures of government, relative to the currency and the supply of the King's stores, had a most unfavourable bearing on the general advancement of the colony, and on one of the grand objects of its original settlement—the reformation of the convict population.

Previous to the period I allude to, the King's stores had generally been open to the small settlers for the reception of wheat at the rate of ten shillings a bushel, and all business in the way of sale or purchase had been transacted in sterling money. During the prevalence of this system, the small settlers, or emancipated convicts, whom Governor Macquarie had succeeded in settling in various parts of the territory on farms of thirty, forty, fifty, or a hundred acres each, were in the

habit of purchasing their supplies of tea, sugar, clothing, rum, &c., from the Sydney merchants, and paying for them with the receipts they got from the commissariat officer in charge of His Majesty's stores for wheat supplied to Government at the usual rate. And it is not to be wondered at, that many persons, who had originally commenced their agricultural operations in a state of absolute poverty, and were only beginning to acquire those habits of economy which are usually found among the lower classes in other countries, should in such circumstances be indebted for the most part to these merchants, or should generally have received the value of their harvest before that harvest was reaped. In fact, nine-tenths of the small settlers were in debt at the time I allude to; and they had nothing but their crops, and the continuance of the system I have mentioned, to look to for the payment of their creditors.

In such circumstances it will appear evident to the reader, that any sudden or violent interference with the currency of the country, or with the mode so long adopted for the supply of His Majesty's stores, must have been fraught with ruin and desolation and moral debasement to the lower classes of the colony. Sir Thomas Brisbane was induced, however, at the recommendation of W. Wemyss, Esq., Deputy Commissary-General, and of Major Goulburn, Colonial Secretary, suddenly to change the circulating medium from sterling to a colonial currency, on the plea of effecting a great saving to the British Government by establishing a high premium on Treasury bills; and the immediate effect of the measure was to raise the pound sterling

twenty-five per cent above the pound currency. Besides, as Mr. Commissioner Bigge, who had been appointed to examine into the state of the colony during the government of Major-General Macquarie, had recommended to His Majesty's Government to adopt the system of tenders instead of the one in use in the colony, for the supply of the King's stores, but had also recommended the propriety of receiving into the stores as much superfluous grain as possible, that there might always be a supply in the event of drought or inundation; the rulers of the colony at the period in question adopted the one part of his advice, but neglected the other—apprising the public that in future all the supplies required for the Government should be furnished by *tender*; but that no grain, &c. should be received at any one time beyond the quantity required for the next ensuing quarter.

I arrived in the colony in the month of May, 1823, just in time to witness the impolicy of these measures, in the utter disappointment of their authors in regard to the contemplated saving to Government, as well as their truly lamentable and demoralizing effect on the lower classes of the colonial population. The harvest of that year was scanty, but withal sufficient for the colony if it had been duly husbanded: but in consequence of the operation of the *tender* system, the limited quantity of grain which it was known would be received by Government, and the eagerness of the small settlers to get their harvest disposed of to answer the pressing demands of their creditors, and to procure additional supplies, wheat, which had generally been sold before at from 7s. 6d. to

10s. sterling, was offered to Government at 3s. 9d. currency a bushel. This remarkable circumstance naturally deluded the colonists into the belief that the country was overflowing with grain, and a great quantity was consequently wasted, as is usually the case in such circumstances ; and much was even given to the swine by those of the settlers who were not compelled to sell, and who had more grain than they required for their own consumption. The result was, that as the season advanced, the mistake was discovered when it was too late to rectify it, and when the colony began to be threatened with the miseries of famine. In short, wheat rose to £1. 4s. a bushel in the course of the season ; and as nobody had any to tender the Government, the latter were obliged to adopt whatever ways and means they could devise to procure it. One of these had a very singular issue. A vessel was chartered by Government, on the recommendation of the officer in charge of the commissariat, and sent to Batavia for rice, wheat, &c. On her arrival in Sydney harbour, some of the colonial merchants, jealous of the interference of Government with their peculiar department as traders and importers for the colony, gave information against the vessel to the captain of a King's ship then lying in the harbour, who seized her in open defiance of the Colonial Government, and carried her off as a prize with all her cargo to India, on the ground of her alleged violation of the East India Company's charter in carrying tea, of which she had a small quantity on board for some of the Government officers, without a license.

This, however, was not the worst effect of the measure

in question. The debts of the small settlers had all been contracted in sterling, and the price they received for their wheat, which was sold at the low rate I have already mentioned, was in currency : they were therefore totally unable to meet the demand of their rapacious and unfeeling creditors, and their farms were consequently seized and sold, frequently at one-fourth of their value. A magistrate of the territory pointed out to me a small but very valuable farm in the vicinity of his own estate in the year 1826, which at the time I allude to had belonged to an emancipated convict settler, who had reared a large family on the land, and who bore a fair character in the neighbourhood as an industrious man. At the time in question the settler owed a merchant in Sydney, for goods which had been supplied to him on credit, at from fifty to one hundred per cent above the price for which the same description of goods could have been purchased for ready money, about £140. It was understood when the debt was contracted that it should be discharged immediately after the harvest of 1823 ; but the injudicious changes, which the Government had so violently and inconsiderately effected in the currency of the country and the mode of supplying the King's stores, rendered the fulfilment of that agreement, on the part of the poor settler, utterly impracticable. The creditor, however, was urgent in his demands ; and the poor man, having no alternative, transferred to him all his own right and title to the farm for the discharge of a debt which a single harvest would in happier circumstances have enabled him to cancel. At the time the farm was pointed out to me, in the beginning of the year 1826, it was let to its former

proprietor for £70 per annum ; but the unfortunate man had been reduced in the mean time from the respectable standing of an independent landholder to the rank of a day-labourer or a tenant-at-will. In this very disreputable manner, large estates were acquired on the one hand by those who were unfeeling enough to take advantage of the times ; and numerous families, that had been gradually but slowly acquiring habits of industry and economy, became reckless and debased on the other, in proportion as they saw ruin staring them in the face. In short, at the period I allude to, the colony of New South Wales was evidently in that sickly state, in regard to the general character of the lower orders of its free population, which peculiarly called for the delicate treatment of an able and judicious physician. Unfortunately, however, it seemed to have fallen into the hands of unskilful apothecaries, who drenched it with horse-medicines, of such strength and in such quantity, that the patient almost expired in their hands.

I trust the reader will not suppose, from the preceding details, that I profess to have any skill in matters of finance. Whether the measure adopted by Sir Thomas Brisbane, in changing the circulating medium from sterling to currency, was a good measure or not in a financial point of view, I do not pretend to determine ; but as it was disapproved of by His Majesty's Government, and as the system previously in operation was restored by orders from home under the government of his successor, I presume it was not. All I contend for is, that in the peculiar circumstances of the colony, its sudden adoption was injudicious in the highest degree, inasmuch

as it was fraught with ruin and moral debasement to a very considerable portion of its emancipated convict population.

The reader will also observe that I do not presume to question the propriety of the change that was effected by Government, in the system of purchasing grain from the colonists for the supply of the King's stores : the extension of the colony rendered that change highly expedient, and the system recommended by Mr. Bigge is now in general and beneficial operation. All I contend for is, that the violence with which that change was effected by Sir Thomas Brisbane was fraught in a very high degree with ruin and moral degradation to many hopeful families throughout the territory. On the voyage from New South Wales to England, the mercury in the thermometer frequently stands in the high southern latitudes as low as eight or ten degrees below the freezing point ; while it rises within the tropics, perhaps in the course of a fortnight after, as high as ninety degrees. The health of the voyagers, however, is but little affected in either of these temperatures, because the transition is effected gradually ; whereas, were that transition immediate, fatal effects would in all probability ensue.

After the statements I have made relative to the principles and the acts of Sir Thomas Brisbane's administration, it will not excite much surprise that his government should have been exceedingly unpopular in the colony. In short, he was universally spoken against ; but, what was of much more consequence, he was written against, I believe, by individuals who had the mean-

ness to commend his measures in his own presence, and who, it may be, had but slight reason to congratulate themselves on the change that ensued. He was accordingly relieved by orders from home; and he left the colony in displeasure, previous to the arrival of his successor, on the 1st of December, 1825, at the close of the fourth year of his government.

Before he left the colony, however, he was fortunate enough, in the estimation of many of the colonists, to cover a multitude of his political errors, and to acquire a lasting accession to his colonial fame. In direct opposition to the maxims of Governor Macquarie's administration, Sir Thomas Brisbane had, for nearly four years, uniformly looked askance at the whole body of emancipists: but, just before he left the colony, it was understood that he would accept of an invitation to dine with the *élite* of that body; and he was accordingly invited, and accordingly dined with them. Holding as I do, that it is influential individuals among the originally free population of New South Wales who have all along been the most unmindful of their duty, and the most highly culpable of the inhabitants of that colony, it will not be supposed that I would visit Sir Thomas Brisbane with censure for any act of his government, the obvious tendency of which was to conciliate and encourage deserving individuals of the class of emancipists: still, however, as the act in question was decidedly an act of censure passed by himself on the whole tenor of his previous administration, it was rather unfortunate that there was also some reason to regard it as a mere *ruse de guerre* to attain popularity, when it

was no longer attainable in a less equivocal way. I am truly happy to be enabled to testify, that, during my own residence in the colony, I have found many individuals of the class of emancipists who have really returned to those paths of virtue from which they had unhappily swerved in earlier life, and become exemplary husbands and exemplary wives, and reared highly interesting and promising children. Such individuals deserve every encouragement, and it is the duty of every governor and of every respectable inhabitant of the colony to conciliate and encourage them to the utmost of their power. At the same time, it cannot be denied that individuals of this character do not constitute the majority of those who either could or would invite the Governor to dinner.

Besides, there was a moral significancy in this act of the Governor's, which rendered it of far more importance in a political light than he was perhaps aware. The rapid progress of the colony, during the eleven years that have now elapsed since the close of Sir Thomas Brisbane's administration, has enabled many reputable individuals of the class of emancipists to acquire considerable property in the colony, in a fair and creditable and unexceptionable way: but the great majority of those of that class, who had acquired wealth in the colony at the period in question, had done so by the sale of rum and the practice of enormous extortion, by grinding the faces of their poorer brethren, and by getting possession of their property through oppressive and iniquitous law-suits. In such circumstances, it was the bounden duty of Sir Thomas

Brisbane to consider beforehand, whether an act of his, in his capacity of Governor, which should proclaim to the world that individuals who had become wealthy by such processes as these were in every respect reputable men, and fit associates for His Majesty's representative, would not be tantamount to an authoritative lowering of the standard of morals throughout the territory.

Had Sir Thomas Brisbane deemed it accordant with his public duty, as the Governor of New South Wales, to testify his ardent desire to encourage virtuous conduct on the part of the emancipists, by honouring any of their number with his presence at dinner, how much better would it not have been to have invited to Government House a few of those who had established an unblemished reputation in the colony, both in their public and their private relations ! An act of this kind would have been full of meaning, and that meaning would have been generally understood and fully appreciated ; for it would doubtless have operated as a strong incentive to virtuous conduct throughout the territory : and if Sir Thomas Brisbane had been visited for such an act of vice-regal condescension with the censure of little men, either in England or in New South Wales, he could have met their contemptuous sneers with the silent and indignant scorn of a high-minded and virtuous man. But to identify himself publicly with certain of the veriest blood-suckers in the colony, under colour of testifying his good feeling towards the general body of the emancipists, was certainly a compromising of his own reputation, while it was the worst step he could possibly have taken for the really meri-

torious portion of the body he professed to patronize, as it virtually sanctified the oppression under which they had groaned so long, on the part of individuals of the same class and of the same origin with themselves.

I should not have taken such particular notice of this act of Sir Thomas Brisbane's administration, had it stood solitary and unconnected with any thing remarkable in the subsequent history of the colony : but, insignificant as it may seem in itself, I have reason to believe that it had a most important bearing on the subsequent political state and condition of New South Wales ; and for this reason I conceive it especially deserves note and comment ; while other acts of apparently much greater importance, but which had no particular influence on the general state of the colony, may be allowed to pass in silence.

I happened to be absent on a voyage to England during the last fifteen months of Sir Thomas Brisbane's administration ; but on returning to the colony, a few weeks after he had sailed for England, I was incidentally shown a copy of a document which had just been forwarded for the inspection of Earl Bathurst, His Majesty's principal Secretary of State for the Colonies, by certain of the leaders of the exclusionist party, as a set-off against the addresses which the Governor had received from the emancipists and their friends on leaving the colony. It was what the French would call a *Catalogue Raisonné* of the emancipists whom His Excellency had honoured with his presence at the public dinner ; and it not only described their rise and progress in the colony, but raked up the ashes of crimes com-

mitted in England, of which the memory was probably supposed to have been long since buried in oblivion. I could not help regarding with a strong feeling of reprobation the superlatively evil spirit which this precious document evinced, while at the same time I could not help admiring the consummate artifice with which it was concocted. It accompanied a petition to Earl Bathurst, thanking his Lordship for granting the colony a Legislative Council, and praying for the appointment of a few additional members to that body, which, it was doubtless presumed, would consist of thorough-bred exclusionists—men whose information is generally as limited in regard to the real interests of the colony as their views are selfish and illiberal. Such a petition, with such an accompaniment, could not fail to be well received at head-quarters in the year 1826; and the more general petition for a House of Assembly, which had been got up chiefly by the emancipists and their friends, and which Sir Thomas Brisbane had engaged to recommend, was consequently treated with derision.

General Darling is well known to have kept himself at a great distance from the whole body of the emancipists during the entire course of his government, and to have strongly discouraged every effort on the part of the colonists to obtain a House of Assembly. How far he acted in these respects agreeably to instructions from home, I am not prepared to say; but as he was doubtless favoured with a copy of the document I have just described on his arrival in the colony, there is reason to believe that his throwing himself at once into the hands of the exclusionists, and thereby adopting a line of

policy, the very reverse of the one of which his predecessor had just left him an example, arose in great measure from an indistinct apprehension that he should otherwise have incurred the ridicule of wise and honourable men. A man who both knew his duty and could fearlessly perform it, whatever the world chose to think or say of him, would doubtless have been superior to such considerations ; but General Darling's well-known feverish sensitiveness in regard to the public press, clearly shows that he was subject to influences of this kind in no ordinary degree.

But there was a worse feature in this concluding act of Sir Thomas Brisbane's administration than any I have yet noticed. Shortly before his departure, he had been invited to a parting dinner by a deputation from the respectable free emigrant inhabitants of the colony : of this invitation he at once expressed his entire willingness to accept, *provided that certain of the leading emancipists should also be invited*. The deputation, however, having no previous authority to accept any such conditions, requested permission to consult their constituents on the subject ; and the result of that consultation was, that the honour of Sir Thomas Brisbane's presence should, on such conditions, be respectfully declined. A public dinner is the usual recipe of all unskilful speculators on the chemical affinities of different classes of men ; and Sir Thomas Brisbane was doubtless induced, as Governor Macquarie had been before him, to believe that by that notable expedient he could unite together in one beautiful harmonious whole the heterogeneous and discordant materials of which

Australian society is composed. But in assuming a right to dictate to reputable men as to who should be invited to their company or society, Sir Thomas Brisbane was carrying his viceregal prerogative a step farther than even Governor Macquarie had done, and was making effectual provision for the perpetuation and exasperation of those evil feelings which he was vainly professing to allay.

Governor Macquarie had not only invited to his table individuals of the class of emancipists on certain public occasions, when the officers of the regiments then stationed in the colony, to whom these individuals were peculiarly obnoxious, were bound to be present; but had even got them privately invited by the commanding officer to the regimental mess-dinners, on occasions when Governor Macquarie dined with the regiments, without the knowledge or concurrence of the majority of the officers. But these injudicious attempts at amalgamation uniformly produced effects the very opposite to those intended; and it is only remarkable, that after they had been strongly and decorously reprobated by the Commissioner of Inquiry, in his printed Report to the House of Commons, they should have been repeated so very shortly after by Sir Thomas Brisbane.

The following are the judicious remarks of Mr. Commissioner Bigge, to which I allude:—

“ The influence of the Governor’s example should be limited to those occasions alone, when his notice of the emancipated convicts cannot give offence to the feelings of others, or to persons whose objections to associate with them are known. The introduction of them on public occasions should in my opinion be discontinued; and when it is known that they have been so far noticed by the Governor of New South

Wales, as to be admitted to his private table and society, the benefit of the Governor's example may be expected to operate ; and it will also be exempt from the fatal suspicion of any exercise of his authority."

There was a Turf-Club established under the auspices of Sir Thomas Brisbane shortly before his leaving the colony, ostensibly for the improvement of the breed of horses, but in reality for the periodical exhibition of horse-races. I am not singular in supposing that this institution was not likely to be of much service to the colony, even in the way of improving the breed of horses ; for the horse likely to be generally useful for agricultural purposes, i. e. the horse chiefly required in the colony, is surely not the race-horse. To this view of the matter, however, I attach no importance. Sir Thomas Brisbane, doubtless, thought the Club would be useful in the way I have mentioned, and accordingly took it under his special patronage, and set apart funds for the purchase of a silver cup, to be called *The Brisbane Cup*, and to be run for under its management.

There are sentimentalists in New South Wales, as there are in the mother country, whose tender hearts, forsooth, overflow with compassion for *the poor horses* on such occasions : I confess I have no such mawkish feeling. If the race-horse is made for running, as he evidently is—why, let him run by all means. But there are real and not imaginary evils of a different kind, and of prodigious magnitude, necessarily connected with all such exhibitions, in a colony so peculiarly constituted as that of New South Wales—evils, which the Governor of that colony should have foreseen on such an occasion as the formation of a Turf-

Club, and against the occurrence of which he ought carefully to have provided by very different means from those which Sir Thomas Brisbane adopted. For the races of New South Wales are not merely the signal for "the periodical assemblage of all the wealth and beauty of the colony," (to use the appropriate phrase,) but the signal for the periodical assemblage and concentration of all its vice and villany, and for the consequent recurrence of scenes of gambling, and drunkenness, and dissipation, which it is unnecessary to describe. A judicious Governor of that colony would therefore, I conceive, have hesitated ere he patronized and encouraged an association, the certain tendency of which was to deteriorate and to debase the breed of men, notwithstanding its holding forth the chance of improving the breed of horses: for although it often happens in New South Wales, as it does sometimes in England, that the horse is by far the nobler animal of the two, he is not the one who is capable of the highest improvement, or whom it is of the greatest consequence to society to improve; he is not the one who was originally *made but a little lower than the angels*, and who, notwithstanding his present debasement, may yet be enabled to re-ascend to that height of glory from which he fell.

There had been occasional races in the colony during the government of Major-General Macquarie; but the organization of a regular system of yearly or half-yearly races all over the territory dates from the administration of Sir Thomas Brisbane. There are the

Sydney and the Parramatta races, as distinct as those of Epsom and Doncaster, although the towns are only fourteen miles distant from each other. There are the Windsor races for the dwellers on the Hawkesbury, and the Liverpool and the Campbelltown races for the inhabitants of these minor colonial towns and their adjoining vicinities. There are races at Maitland and Patrick's Plains, two different stations on Hunter's River; at Illawarra on the coast; at Bathurst, beyond the Blue Mountains; and at Goulburn Plains, two hundred miles from Sydney, in the district of Argyle. In short, the *march of improvement* is much too weak a phrase for the meridian of New South Wales: we must there speak of the *race of improvement*; for the three appropriate and never-failing accompaniments of advancing civilization in that colony are a race-course, a public-house, and a jail.

The colonial publicans are, for obvious reasons, extremely active in getting up races wherever they fix themselves. I was travelling on one occasion to a distant district in the interior, and took a place on the top of one of the colonial coaches, as far as it went in the direction in which I was about to proceed on horse-back for the remainder of the journey. I was seated behind the driver, who had a well-dressed person alongside of him on the box, from whose loud and voluble conversation I soon learned that he was a free emigrant Englishman, recently arrived in the colony, who had just taken a public-house at a short distance from the town towards which we were travelling. There was a

large open field adjoining the house, which, it naturally occurred to him, was admirably adapted for a race-course, and he had accordingly proposed the matter to the nearest racing-club, who it seems were just looking out for such a thing, offering them free stabling for their 'osses, provided they made the race-course on the field in question. Besides, I was enabled to learn that he had a skittle-ground on his premises for people to amuse themselves of a Sunday,—and it had this peculiar recommendation; that it was “out o’ sight of your church-going people, who mightn’t like much to see such a thing on their way to prayers.”

It is peculiarly unfortunate for the real welfare of the colony, that gentlemen of the first rank in its limited society should condescend to league themselves in this manner with the veriest publicans and sinners to demoralize and to ruin the colony. The race of fools and spendthrifts is happily neither numerous nor influential in the mother country, and may therefore be left, with perfect safety, to the nation at large, to pursue their proper course of extravagance and folly; but, utterly unfurnished, as they have hitherto been unhappily left, with the good principles that are elsewhere derived from a manly education, it is natural for the native youth of the colony of New South Wales to look up to the free emigrant gentlemen of the territory, and to follow their example; and when they see the latter busily employed in training up race-horses and betting lustily on their performances, perspiring at a cricket-match, or huzzaing at a regatta; what can they possibly suppose, but that

such puerile and contemptible employments are fit for men? *

Let the reader turn over a file of colonial newspapers for the last few years, and he will accordingly find them stuffed, almost to nausea, with advertisements and accounts of races, cricket-matches, boxing-matches, and regattas; with challenges to fight, to run, or to row, addressed by one obscure candidate for notoriety to another; and with lengthy descriptions of contests either by land or by water, between the colonial youth and natives of England, or, to use the phrase of the colony, between *currency* and *sterling*. In short, the energy of the native mind of the colony seems of late to have been diverted almost exclusively into this frivolous channel, and the circumstance is owing entirely to the highly influential but pernicious example of those who

* "Horse-racing," observes the late Rev. Dr. Dwight, President of Yale College in America, "has for a long period been a favourite pursuit. This gross amusement turns polished men into clowns, and clowns into brutes."—DWIGHT'S TRAVELS, vol. III. p. 56.

"Some farrier should prescribe his proper course,
Whose only fit companion is his horse;
Or if, deserving of a better doom,
The noble beast judge otherwise,—his groom.
If neither horse nor groom affect the squire,
Where can at last his jockeyship retire?
O, to the club, the scene of savage joys,
The school of coarse good-fellowship and noise.
There, in the sweet society of those
Whose friendship from his boyish years he chose,
Let him improve his talent if he can,
Till none but beasts acknowledge him a man."

COWPER.

ought to have taught them better things. If such employments were merely frivolous, they might well be tolerated; but the course to which they almost inevitably lead is a course of gambling and dissipation, ruinous to the morals of the country, and of course destructive of its general prosperity.

Arriving, therefore, in New South Wales with all the recollections of my boyhood—the time when returning from the parish school in the north of Ayrshire, I was proud to be noticed by Sir Thomas Brisbane, and to be asked the meaning of some line in Virgil or Ovid—I could not help wishing from the very bottom of my heart, that His Excellency's name might be associated in every future age with the intellectual and the moral advancement of my adopted country. Alas! the hopes I had formed were crowned with disappointment; for when I ask, *What Sir Thomas Brisbane did for New South Wales*; I pause in vain for a reply.

During the government of Sir Thomas Brisbane, considerable progress was made in the way of discovery in the interior. In the year 1819, a large river flowing inland, like the Lachlan and Macquarie rivers beyond the Blue Mountains, and called by the black natives the Morumbidgee, had been discovered in the country to the southward and westward, generally known as the New Country, or Argyle; and in the year 1823, Captain Currie, R. N., in the course of an expedition to the southward, discovered an extensive tract of undulating country, naturally clear of timber, and watered by the Morumbidgee, at a point much nearer to its source than had previously been reached by any Euro-

pean. In honour of the Governor, this valuable tract of *new-found land* was named by its discoverer "Brisbane Downs," but it has since been much more generally known by its native name of Monaroo, or Maneira Plains. It has since been ascertained to extend from the Great Warragong Chain, the Snowy Mountains, or Australian Alps of the present colonists, in the 149th degree of east longitude, to the mountain range which runs parallel to the east coast, and from the present limits of the colony to Bass's Straits. Maneira Plains, which are at least from two to three thousand feet above the level of the sea, and of which the climate in winter is exceedingly cold, are now occupied by a daily increasing multitude of colonial squatters, having each herds of cattle and flocks of sheep, as numerous as the flocks and herds of the patriarch Job.

In the following year, Messrs. Hovell and Hume, the former a retired ship-master, who has been for many years a respectable settler in the colony, and the latter a highly enterprising native of New South Wales, undertook a journey, chiefly at their own charges, from Lake George, in the county of Argyle, to Bass's Straits. The following is a brief sketch of the course and results of that interesting journey, from the pen of Allan Cunningham, Esq.:—

"Our travellers took their departure from a stock station near Lake George, with the intention of pursuing a direct course to the south-west: finding this impracticable, however, from the broken and mountainous character of the country, they stood considerably to the westward.

“ Having passed to the westward of the meridian of 148° , they found no farther impediments in their route to the south-west, having broadly on their left hand, or a little to the eastward of them, the great Warragong Chain. In latitude 36° the party crossed a river, which derived its source from those snow-clad mountains, and was flowing with considerable rapidity among the hills towards the north-west. To that stream, which, in consequence of its depth and width (exceeding one hundred yards), they had some difficulty in passing, they gave the name of ‘Hume.’ Their journey was now conducted through a fine, open, thinly-timbered country; its surface was, for the most part, hilly, or moderately undulated; and occasionally, to diversify the scene, there broke upon the view a patch of plain, without a tree, but abundantly clothed with a grassy vegetation. This pastoral country was found, even in the summer months, well watered by streamlets from the hills around; the waters of which, collecting, had formed a second river, to which our travellers gave the name of the ‘Ovens,’ upon fording it in latitude $36^{\circ} 40'$. This was described as being of less magnitude than the Hume; but its stream was of equal velocity; and the direction given it by a break in the hills, and the apparent inclination of the country, was also to the north-west; in which bearing, wherever a commanding position on the hills afforded the party a view, a declining wooded country was observed, with scarcely a single elevation.

“ Southerly, the land continued equally good, but, rising in altitude, presented a more broken, irregular

surface to our travellers, who, however, patiently surmounting the difficulties which lay in their way, at length came to a third stream, to which they gave the name of 'Goulburn.' This river, which was formed by a junction of several streamlets which came from the hills to the eastward, ran southerly in the direction of the course pursued by the expedition as far as latitude 37° , when it also took a decided bend towards the north-west.

"The exploring party now passed the meridian of 146° , and beheld before them the coast-range of hills. This proved to them a source of no small encouragement to continue their journey, for they had begun to despair of reaching the sea-coast, in consequence of the exhausted condition of their burdened beasts, and of the loss which they had sustained in their stock of provisions, by accidents and the great heat of the weather. A beautiful country, however, appeared before them; and as it exhibited an alternation of plain and woodland of like interest, *as affording an unlimited range of sheep and cattle pasture*, they had the more inducement to pursue their route to the southward cheerfully; and this they did, until at length they reached salt-water and a sandy shore," viz. at Port Phillip, in Bass's Straits.*

In the year 1825, Mr. Cunningham discovered a practicable pass, which he named Pandora's Pass, from the upper part of the district of Hunter's River into Liverpool Plains, an extensive pastoral country to the

* "Brief View of the Progress of Interior Discovery in New South Wales, by Allan Cunningham, Esq."—Journal of the Royal Geographical Society, vol. II.

northward and westward, previously discovered by Mr. Oxley; and also ascertained the limits of the plains to the westward and northward. These plains are now occupied by numerous colonial squatters with their numerous flocks and herds.

But the most important discovery effected during the government of Sir Thomas Brisbane was that of a large navigable river in the extensive bight on the east coast, called Moreton Bay, of which the general outline had been laid down by Captain Cook, and which was afterwards partially surveyed by Captain Flinders. In consequence of the recommendation of Mr. Commissioner Bigge, that a new penal settlement should be formed either at Port Bowen, Port Curtis, or Moreton Bay, to the northward of Port Jackson, and of orders to that effect from Earl Bathurst, the late Mr. Oxley, who was then Surveyor-General of New South Wales, was directed by Sir Thomas Brisbane to proceed to Port Bowen in the year 1823, to fix on a proper site for the proposed settlement, and to examine Moreton Bay on his voyage thither. Mr. Oxley accordingly embarked at Sydney, in the month of October, 1823; and the following is the account he gives of his unexpected and important discovery:—

“ I sailed from this port (Sydney) in His Majesty’s cutter *Mermaid*, on the 23rd of October, 1823; and early on the 2nd day of December following, when examining Moreton Bay, we had the satisfaction to find the tide sweeping us up a considerable inlet between the first mangrove island and the main-land. The muddiness and taste of the water, together with

the abundance of fresh-water molluscæ, assured us we were entering a large river ; and a few hours ended our anxiety on that point, by the water becoming perfectly fresh, while no diminution had taken place in the size of the river after passing what I called *Sea Reach*.

“ Our progress up the river was necessarily retarded by the necessity we were under of making a running survey during our passage. At sunset we had proceeded about twenty miles by the river. The scenery was peculiarly beautiful ; the country along the banks alternately hilly and level, but not flooded ; the soil of the finest description of brushwood-land, on which grew timber of great magnitude and of various species, some of which were unknown to us. Among others, a magnificent species of pine was in great abundance. The timber on the hills was also good ; and to the south-east, a little distance from the river, were several brushes or forests of the *cupressus australis*, of a very large size.

“ Up to this point the river was navigable for vessels not drawing more than sixteen feet water. The tide rose about five feet, being the same as at the entrance. The next day the examination was resumed, and with increased satisfaction. We proceeded about thirty miles farther, no diminution having taken place either in the breadth or depth of the river, excepting in one place for the extent of about thirty yards, where a ridge of detached rocks extended across, having not more than twelve feet on them at high water. From this point to *Termination Hill*, the river continued of nearly uniform size. The country on either side is of a

very superior description, and equally well adapted for cultivation or grazing; the timber being abundant, and fit for all the purposes of domestic use or exportation. The pine-trees, if they should prove of good quality, were of a scantling sufficient for the top-masts of large ships. Some measured upwards of thirty inches in diameter, and from fifty to eighty feet without a branch.

“ The boat’s crew were so exhausted by their continued exertions under a vertical sun, that I was reluctantly compelled to relinquish my intention of proceeding to the termination of tide-water at this time. At this place the tide rose but four feet six inches, the force of the ebb-tide and current together being little greater than the flood-tide,—a proof of its flowing through a very level country. Having concluded on terminating at this point the examination of the river, being seventy miles from the vessel, and our stock of provisions expended, not having anticipated such a discovery, I landed on the south shore for the purpose of examining the surrounding country. On ascending a low hill, rising about twenty-five feet above the level of the river, we saw a distant mountain, which I conjectured to be the *High Peak* of Captain Flinders, bearing south $1\frac{1}{2}$ east, distant from twenty-five to thirty miles. Round from this point to the north-west the country declined considerably in elevation, and had much the appearance of extended plains and low undulating hills, well, but not heavily, wooded. The only elevations of magnitude were some hills seven or eight hundred feet high, which we had passed to the northward. The ap-

pearance and formation of the country, the slowness of the current, even at ebb tide, and the depth of the water, induced me to conclude that the river would be found navigable for vessels of burden to a much greater distance, probably not less than fifty miles. There was no appearance of the river being ever flooded, no mark being found more than seven feet above the level of the water, which is little more than would be caused by flood-tide at high water forcing back any accumulation of water in rainy seasons.

“A consideration of all the circumstances connected with the appearance of the river justified me in entertaining a strong belief that the sources of this river will not be found in a mountainous country. Most probably it issues from some large collection of interior waters, the reservoir of those streams crossed by me during an expedition of discovery in 1818, and which had a northerly course.* Whatever may be its origin, it is by far the largest fresh-water river on the east coast of New South Wales, and promises to be of the utmost importance to the colony; as, besides affording a water communication with the southern country

* This idea has not been verified by subsequent discovery. There is no such collection of interior waters as Mr. Oxley supposed, at least in that part of the Australian continent to which he refers; and the streams crossed by Mr. Oxley in 1818 have since been found by Captain Sturt, of the thirty-ninth regiment, to empty themselves into a large river which the latter officer discovered in the year 1829, and named the Darling; in which, pursuing a southerly course, is supposed to be the same river which ultimately unites its waters with those of the Murray and the Morumbidgee, and disembogues at length into the lake Alexandria on the southern coast.

bounding upon Liverpool Plains, *it waters a vast extent of country, of which a great portion appears to me capable of supporting the culture of the richest productions of the tropics.* I afterwards proceeded a few miles to the south-east from the river, through a gently broken country of good soil, declining in elevation towards the south; the high peak before mentioned being the only remarkable eminence from north-east to south.

“As the position of the entrance of the river was still to be fixed, and the channel to be examined, I lost no time in returning down the river with the ebb-tide, and stopped for the night at the base of the Green Hills; the highest of which was ascended the next morning, and the view from it was found more extensive than I anticipated.

“So much time was spent in the examination of the country above Sea Reach, that it was quite dark when we got to the entrance of the river; which, out of respect to His Excellency the Governor, under whose orders the bay was examined, was now honoured with the name of *Brisbane River*. The whole of the next day was spent in sounding the entrance and traversing the country in the vicinity of Red Cliff Point, and we did not reach the vessel until late in the night of the fifth of December, amply gratified in the discovery of this important river, as we sanguinely anticipated the most beneficial consequences as likely to result to the colony by the formation of a settlement on its banks.”

A penal settlement was accordingly formed in the year 1824, on the banks of the Brisbane, in lat. $27\frac{1}{2}^{\circ}$

south, and the river has since been traced to its sources in ranges of moderate elevation, but at no great distance, to the northward. It receives several considerable streams in its course, which, together with the main river, traverse a large extent of eligible country, capable in every respect of supporting a numerous population.

CHAPTER VII.

ACCOUNT OF THE STATE AND PROGRESS OF THE
COLONY DURING THE GOVERNMENT OF LIEU-
TENANT-GENERAL SIR RALPH DARLING, K.C.B.

O fortunatos nimium, sua si bona nôrint,
Agrícolas !

VIRGIL.

The agriculturists of New South Wales would have enjoyed much higher prosperity, and escaped much disappointment and disaster, had they made a proper improvement of their opportunities.

LIEUTENANT-GENERAL SIR RALPH DARLING was the seventh Governor of New South Wales. He assumed the government on the 19th of December, 1825; the affairs of the colony having been administered for eighteen days previous to his arrival by Colonel Stewart, of His Majesty's Third Regiment, or Buffs, now a resident landholder in the colony and a Major-General in the army.

The reputation of General Darling has suffered extremely in the estimation of the public, from the ill-judged officiousness of his friends, as well as from the malice of his enemies: it is my intention to rescue it from the hands, and to do it justice in the face, of both: and as I cannot charge my recollection with

having received any personal favours from His Excellency, and as his ungracious refusal to attend to certain suggestions which I had done myself the honour to submit to him, with a view to promote the interests of education and religion in the colony, occasioned me the inconvenience and the hardship of a voyage to England, besides exposing me incidentally to much personal suffering; I can scarcely be suspected of partiality, if my estimate of his character and government should be somewhat less unfavourable than the one generally current.

It was commonly understood in the colony that General Darling had attained the rank he held in the army, rather through his literary than his military prowess; and the circumstance was often referred to by the colonial opposition newspapers, to his discredit. For my own part, I conceive it was just the circumstance that rendered him the fittest military man for the government of a colony. In such cases, I apprehend it is quite immaterial whether an officer has merited distinction by his pen or by his sword; but it is a sad prospect for a colony, for its governor to be able to wield only the latter of these weapons with dexterity and effect. Courage, whether active or passive, is by no means a rare virtue, either in savage or in civilized society; but the higher qualities of mind, which are essential for situations of extensive command, are exceedingly rare. The question of importance, therefore, is not how these qualities have been elicited, but whether they exist at all in the candidate for power.

General Darling's was by no means a mind of the

first order, but his talents were perhaps superior to those of the generality of mankind. He had naturally a correct judgment, a strong sense of justice, and a keen discernment of propriety : neither was he destitute of those qualities of the heart, without which the higher powers of intellect are oftener a curse than a blessing to mankind. Indeed, I am fully persuaded, that on his arrival in New South Wales, General Darling was sincerely desirous of discharging the duties of his station with credit to himself, with satisfaction to his superiors, and with general benefit to the colony.

There are certain impressions, however, to which men of particular classes and professions are peculiarly subject, (Bacon gives them the singular appellation of *idols of the den*,) which often serve to neutralize the proper qualities of the individual, and to exert a powerful influence on the whole course of his conduct. The military man, for instance, is always *under authority* ; he is consequently much less a free agent than the rest of mankind : he waits uniformly for the word of command ; and instead of regulating his procedure according to his own sense of propriety, he looks upwards for direction to some superior authority, who, like the Jupiter of the ancients, shakes Olympus with his nod. It is impossible but that such a state of things should exert a powerful influence on minds originally formed of second-rate materials : hence it follows that in cases of emergency, and when thrown entirely on their own resources, military men, who, we should expect, would always evince the greatest decision of character, sometimes exhibit the least.

The military man, moreover, is also peculiarly unfitted by his previous habitudes of mind for dealing with opposition, when he happens to be invested with civil authority. Opposition, in the various forms which it assumes in reference to such classes of men, is the natural element, so to speak, of the statesman, the lawyer, and the merchant. It is the atmosphere they breathe: it is the food that supplies nourishment to those intellectual powers that contribute the most materially to their ultimate success. So far from considering its occurrence as a thing unreasonable, they view it as a matter of course, and regard it only as affording a proper and perhaps desirable opportunity for the development of their own superior tact and ability. But the military man, when invested with civil authority, is apt to regard opposition to his measures on the part of private individuals in a very different light. Accustomed to yield implicit obedience to the superior authority to which he has himself been subject, he is apt to expect implicit submission from those whom he naturally looks upon as his own inferiors; and the very idea of a demonstration of resistance to his authority is consequently apt to make him *stiffen his sinews, stretch his nostrils wide*, and place himself at once in the attitude of offensive warfare. In short, so far from inducing compliance or concession, opposition is apt to confirm the military man in the determined pursuit of those obnoxious measures which he has once adopted.

The extreme unpopularity of General Darling's government arose, I apprehend, in great measure, from his being under the influence of these *idols of the den*—a

species of idolatry, under which minds of a higher order would doubtless not have bowed. Naturally desirous to stand well with his superior officer, and holding it a sort of disobedience of orders either to think or to act for himself, in any case in which it was possible to ascertain or to guess at his opinion, he unhappily distrusted his own judgment, which in most cases would have pointed out to him the proper course, and allowed himself to be guided by the opinions of men who were unqualified to direct him. In a colony in which the measures of Government are uniformly open to the most jealous, and frequently to the most illiberal criticism, it was not wonderful that circumstances should arise in General Darling's administration of public affairs, to form the plausible groundwork of a regular opposition on the part of an influential portion of the colonial press. This opposition would at best have been exceedingly feeble, and would speedily have been entirely annihilated, had he merely pursued a straight-forward course, without ever condescending to notice it; or silently adopted a hint occasionally for the improvement of his plans. But his friends persuading him that his government was in danger—the old hue and cry of incapacity—and that it was necessary to put down opposition with the strong hand of power, hostile and vindictive measures on the part of Government were eagerly resorted to: nay, whoever presumed to entertain a different opinion on so important a subject, and to hold intercourse with those who had been gratuitously branded as the enemies of the state, was

immediately marked as a disaffected person, and treated accordingly.

In such circumstances, it was soon found necessary to strengthen the government party, by attaching the individuals who composed it as strongly as possible to His Excellency's person and government. Their loyalty was of course rewarded by lucrative employments, and by all the other indulgences that the Government could bestow; and the system of egregious partiality that was thus notoriously practised served only to originate and to embitter disaffection. In short, instead of acting with the magnanimity and decision which befitted his high station as the representative of royalty, General Darling followed the course of short-sighted policy which was recommended for his adoption by the selfish politicians *in petto* whom he admitted to his counsels; for he was unhappily surrounded by men of hopeless mediocrity, whose incessant cry was that of the daughters of the horse-leech, "Give, give;" and whose contemptible cupidity was only equalled by their narrow-mindedness and vindictiveness.

I have already hinted, that the persons into whose hands the Governor thus virtually surrendered himself were of the sect of exclusionists. They were exclusionists in politics, and would willingly have subjected, not only the whole class of emancipists, but moderate persons of all classes throughout the colony, to political disabilities. They were exclusionists in place and property, eagerly endeavouring, that whatever the Governor had to give in the shape of land or town allotments, or

appointments of emoluments, should be given exclusively to themselves or their dependents. They were exclusionists in religion, which a few of them professed by *paying tithes of mint, and anise, and cummin*, in the shape of paltry subscriptions to religious societies; and their motto and device was, *We are the people. Stand back, for we are holier than ye.*

It will doubtless be considered greatly in favour of General Darling, that he devoted all his time and talents to the personal discharge of the duties of his office. If there was a single individual in the colony who allowed himself no unnecessary rest and no unnecessary recreation, it was the Governor. Every case, even of minor importance, that occurred, received his personal consideration; every letter had to be submitted for his personal perusal. Mistakes and errors of judgment might occur under such a system; but whensoever and wheresoever they occurred, they could not be imputed to the Governor's neglect.

General Darling also deserved well of the colony for the regularity and the system he introduced into every department of the public service. Previous to his arrival, the colonial state machine was frequently out of order; and it was often a matter of difficulty to ascertain which of its wheels should be touched, to set it a-going in a particular direction. In General Darling's time it was remarkable for the regularity and precision of its movements. The duties of each department were ascertained and fixed, so that one could not interfere with another. Forms of application and

forms of procedure were established, which greatly facilitated the transaction of public business, though, to the eye of ignorance, or prejudice, or malice, they rather tended to retard and to perplex it. A disposition of this kind, however, is apt to run to extremes. General Darling was too much a man of forms and system ; and his successor, Sir Richard Bourke, has found, that by simplifying his arrangements, he can get through more business with fewer hands.

In the apportionment of grants of waste land on the part of Government, General Darling has been accused of great partiality to certain parties, and of great injustice and oppression to others. It was certainly unfortunate for his popularity, that his person was beset by individuals, who were not restrained by any considerations of propriety from possessing themselves of whatever their personal influence could procure ; and it is equally undeniable that a strange want of feeling was evinced on different occasions towards reputable persons who were desirous of settling in the country, and who were thus obliged to expend their time and their means in Sydney to no purpose whatever. In this respect, the government of General Darling was decidedly unfavourable to emigration, and was therefore in so far unfortunate for New South Wales. At the same time, I have reason to believe that the errors of his government, on both of these points, were greatly exaggerated by interested or disappointed individuals ; and that what were trumpeted about as acts of oppression, sometimes arose from a system of management, which the

Governor had established for the public benefit, and with the details of which he could not properly interfere.

Great irregularities had certainly arisen from the operation of the system adopted in the granting of land during the government of Sir Thomas Brisbane ; for I have myself heard of the case of an individual, who, having come to the colony from the Isle of France for the recovery of his health, was induced, on hearing of the facility with which land could be obtained from the colonial government by persons newly arrived in New South Wales, to apply for a grant of two thousand acres of land ; which he accordingly received, and immediately sold to an old resident in the country, without ever having seen it himself, for the sum of five hundred pounds. He left the colony very shortly after, with his health restored, and his purse unexpectedly and very agreeably replenished.

To correct such abuses, General Darling instituted a Board of Inquiry, under the designation of the Land Board, and established certain regulations for the granting of land, shortly after his arrival in the colony. Agreeably to these regulations, land was thenceforth to be granted in proportion to the property or means of the applicant, and not to be granted to such applicant at all unless there was reason to believe that he was able and willing and likely to improve it. The operation of these regulations, which were doubtless conducive to the general welfare of the colony, may perhaps, like all other general rules of policy, have been oppressive in particular cases : but I am also able to refer to other cases, in which, on a plain and candid statement of the

circumstances of the applicant being laid before him, General Darling was induced to depart from the strict letter of his own regulations, and in which his doing so evinced equal discrimination and humanity.

An Englishman who had married a Scotchwoman in London, by whom he had an interesting family of very fine children, had arrived in the colony as an indented free servant of the Australian Agricultural Company. After about two years' service, his indenture was given up to him, and he was allowed, in the technical phrase of the colony, "to go upon his own hands." During their period of service, and especially after they had acquired their entire freedom, the industry of the husband and the economy of the wife had enabled them to accumulate a considerable sum of money—as much indeed, if I recollect aright, as two hundred pounds. After they had resided for some time in the town of Sydney, where they had settled on leaving the service of the Company, I had the honour of a visit from my virtuous countrywoman, to apprise me that her husband and herself thought they could do better for their family on a farm than by continuing to live in Sydney, and that they were accordingly desirous of obtaining a grant of land. I offered to assist them in the attainment of their object, and with this view procured one of the printed forms, with which I went on the day following to their little cottage. *There* the whole savings of the family were displayed for my inspection, in all the endless variety of coin with which the money-changers of Sydney become acquainted. After having duly ascertained the amount, I made a short statement

of the history, circumstances, and property of the family, on a blank corner of the printed form, which I attested forthwith, and forwarded to the Governor. In a very few days afterwards, and without the application being referred to the Land Board at all, the happy family received a letter, informing them that the Governor had been pleased to allow them 320 acres of land in the first instance ; on their taking possession of which they were to have 320 more, i. e. a square mile altogether.

I have reason to believe that, during General Darling's administration, more of this sort of work passed through my own hands and those of my fellow-labourer, the Rev. John M'Garvie, A.M., who was then Presbyterian Minister of the Church of Scotland at Portland Head, than fell to the lot of any two of the other clergy of the colony ; and I am happy to say, that in almost every instance we had both abundant reason to speak well of the judiciousness and humanity of General Darling.

The value of land in the interior of a colony is increased in proportion as facility is afforded for direct and frequent communication with the capital. In this respect General Darling certainly merited commendation ; rather, however, for the magnitude and extent of his undertakings than for their uniform judiciousness : for as this important branch of the public service was most preposterously made an affair of patronage, and as petty jealousies and antipathies unhappily interfered to prevent the employment of that particular kind of talent which was required for the economical and efficient discharge of the duties it implies, much public

money was expended with comparatively little benefit to the public. The road to Bathurst across the Blue Mountains was greatly improved, however, during General Darling's administration. A good road was also constructed, by the labour of convicts who had been found guilty of minor offences in the colony, to the very important settlement of Hunter's River—a distance of one hundred and thirty miles—not to mention various cross-roads in that settlement; while numerous gangs were employed in opening a permanent line of communication with the extensive pastoral country to the southward and westward, beyond the county of Argyle.

It cannot be denied, however, that in carrying into effect the sentences of the law, which consigned a portion of the prison population of the colony to hard labour on the roads, or at penal settlements, there was much unnecessary severity practised under the authority of General Darling. He had doubtless received orders from home to subject the convicts to a more rigorous discipline than the one to which they had previously been subjected: but in enforcing these orders, the convicts under colonial sentences were not unfrequently treated by his subordinate agents, who had always discernment enough to discover that severity was the order of the day, with a reckless indifference to their feelings as men, which their situation as criminals could never have warranted.

There were four remarkable epochs in the government of General Darling, each of which might almost constitute an era in the history of the colony. The first of these was the era of agricultural excitement; the

second the era of agricultural depression ; the third was the era of drought ; and the fourth the era of libels.

I. In the year 1825—so memorable for the rise and fall of numerous joint-stock companies in England—a company of that nature was established in connexion with the colony of New South Wales, by certain Members of Parliament and other gentlemen connected with the wool trade, in the city of London. It was incorporated by royal charter, under the designation of the Australian Agricultural Company ; its object being the cultivation of land in New South Wales, the rearing of fine-woolled sheep, cattle, and horses, and the general improvement of the colony. Its capital was a million sterling ; and, in consideration of its highly important objects, His Majesty's Government agreed to give it a million of acres of land free of cost, in whatever part of the territory the agents of the company might choose to select their grant. About the same period, extensive grants were also obtained by certain Members of Parliament and private gentlemen of property in England, whose agents arrived in the colony with their host of retainers, about the same time as those of the Agricultural Company, or shortly before the arrival of General Darling.

The colony was at that period in a state of progressive, but by no means rapid improvement : agricultural stock was obtainable by the free emigrant settler at a moderate rate, and agricultural produce bore a remunerating price. The first time I visited the settlement of Portland Head, in the year 1823, the old Presbyterian settler, whom I have already mentioned as

the voluntary catechist of his district from the time of its first settlement in the year 1802, accompanied me on horseback to one of the neighbouring farms on the left bank of the Hawkesbury. Observing me looking particularly at the old mare he rode, of which he was ever and anon kindly patting the neck and stroking the mane, he told me, with no small degree of complacency, that he had had her for about eighteen years, and that she had originally cost him £130 sterling. She was rather a plain-looking animal; but, in the earlier times of the colony, horses and all other kinds of agricultural stock were exceedingly high-priced. Another respectable free settler, of old standing, has told me that the first cow he purchased in the colony, shortly after his arrival in Governor King's time, cost him fifty-five guineas. In the year 1823, however, cattle and horses had fallen in price very considerably; for a good horse could then be purchased for £30 to £50 currency, or in dollars at five shillings each, a good cow for £5 to £7, and sheep in proportion. During the succeeding years of the government of Sir Thomas Brisbane, the price of agricultural stock advanced considerably in consequence of the influx of free emigrants from Great Britain, and the numerous grants of land that were then taken possession of in the districts of Hunter's River, Bathurst, and Argyle: for as these grants had all to be stocked with sheep and cattle, the old settlers found a ready and improving market for their superabundant stock among the new arrivals.

The Australian Agricultural Company commenced its operations in the colony early in the year 1826; but

these operations were too prominent in their character, and too extensive, not to have a powerful and immediate influence on a community so limited as that of New South Wales: for as cattle and sheep and horses had to be purchased for the company, wherever they could be got, the price of these descriptions of agricultural stock instantly rose rapidly throughout the colony; insomuch that cattle of colonial breeds were actually sold to the company's agent for twelve guineas, and sheep for four or five guineas sterling a-head. The extensive purchases of agricultural stock that were made about the same period for the large tracts of land granted to private individuals, doubtless contributed also in no small degree to enhance its price in the colonial market.

Those only who witnessed the infatuation of multitudes in England on the formation of the joint-stock companies of 1825, will be able to form any idea of the state of things that immediately ensued in New South Wales: for no sooner had the existence of the Agricultural Company been duly announced, and its operations commenced in right earnest, than the *sheep and cattle mania*—a species of madness undescribed by Cullen, and formerly unknown even in the colony—instantly seized on all ranks and classes of its inhabitants. We are told by the historian Thucydides, that, during the prevalence of the plague in Athens, the wretched victims of that hopeless disease were impelled by their intolerable thirst to the fountains and streams of water, around which they died in great numbers. The colonial mania I have just mentioned evinced itself

in like manner in impelling whomsoever it seized to the cattle-market; and as my own residence in Sydney for about three years after my return to the colony, in the month of January, 1826, was in the immediate vicinity of that busy scene, I had frequent opportunities of observing the congregated patients, and abundant reason to wonder how the matter would end: for barristers and attorneys; military officers of every rank, and civilians of every department; clergymen and medical men; merchants, settlers, and dealers in general, were there seen promiscuously mingled together every Thursday, and outbidding each other in the most determined manner, either in their own persons or by proxies of certified agricultural character, for the purchase of every scabbed sheep or scarecrow horse or buffalo-cow that was offered for sale in the colony. In short, it was universally allowed, that the calculations of the projectors of the Agricultural Company could not possibly be inaccurate. Their statements and reasonings were supported by arithmetical—which every person allowed were the best of all—arguments; and it was made as clear as the day-light to the comprehension of stupidity itself, that the owner of a certain number of sheep or cattle in New South Wales, must, in a certain number of years, infallibly make an independent fortune. It was consequently determined on all hands and by all sorts of persons, that the Agricultural Company should not be the only reaper of this golden harvest. The professional men and the Sydney merchants, who had become extensive sheep and cattle owners, generally employed hired overseers to manage their stock in the

interior; but there were individuals even among these classes who thought the matter too momentous to be entrusted to a deputy, and accordingly followed their purchase to the interior themselves. Nay, (and the reader will observe I do not speak at all metaphorically,) even the soldier unbuttoned his military belt to become a keeper of sheep; and the priest, reversing the ancient metamorphosis in the case of the prophet Amos, forsook his altar to become a *herdman of cattle*.

In all cases in which the purchaser had money to pay for his sheep and cattle, money was paid; but where money was not forthcoming, as was generally the case, credit was allowed if the individual was supposed to be a person of substance, and security was often tendered and accepted on the purchaser's land. One gentleman, who had a large herd of inferior cattle, got them disposed of in this way to respectable free settlers, at the rate of ten guineas a-head, with security on the purchasers' land for two years, and ten per cent interest besides on the whole amount of the purchase till its ultimate payment.

The reader may perhaps imagine that I must have been a dealer in sheep and cattle myself, to have acquired all this unclerical knowledge: I have never, however, had the honour to be the owner of a single head of either in the colony. But it was impossible to live in New South Wales at the time I allude to, without acquiring much more knowledge of this kind than was at all desirable. "Their talk," as Dr. Johnson remarks of some of his friends in the country, "was all of runts," or heifers. If an advice was given in com-

pany, it was by all means to *get into a good stock*, for *there was nothing like it*. If a difference of opinion arose, it was either whether Saxon or Merino, fine or coarse-woolled sheep were the most profitable; or whether it was advantageous to attend exclusively to the wool, or to combine with all due attention to that matter of universally acknowledged interest a proper regard to the carcase. Again and again I have had specimens of wool submitted to my own inspection by Saxon or Merino enthusiasts, who were in the habit of carrying them about with them in their pockets; and if the excuse of imperfect vision and entire inacquaintance with the subject was insufficient to relieve me from the very invidious task of deciding in a matter so much above my capacity, I was generally unfortunate in selecting a different specimen from the one which had been previously determined to be the finest. In short, the whole colonial community seemed for a considerable period to have only one idea; and this exclusive and universally predominant idea was, that of rapidly acquiring an independent fortune by the rearing of sheep and cattle.

It was not at all to be wondered at, that persons who were so speedily to be enriched beyond their highest previous expectations, should begin to speculate prematurely on their good fortune. If a matrimonial alliance with the Sultan's daughter was not projected, as in the case of the crystal-seller of Bagdad, it was at all events fitting that articles of dress, and furniture, and equipage, suitable for a consummation so devoutly to be wished, and so reasonably to be expected, should not

only be bespoke, but actually procured. Such articles were accordingly ordered, and bills were given for their due payment; and so favourable was the prospect of demand for the future, that the colonial merchants or importers were induced to order large quantities of British and other foreign goods, till their warehouses were completely filled, and till almost every article of British manufacture could be obtained in Sydney at a much cheaper rate than in London.

What might have been the ultimate issue of the *sheep and cattle mania*, had the seasons continued as favourable after the harvests of 1825 and 1826, as they had been for a long time previous, I do not know. It was evident indeed to every person of understanding, that as cattle, and sheep, and horses, must increase in a geometrical ratio, in a country so admirably adapted for the rearing of agricultural stock as New South Wales, while the population of the colony could increase only in an arithmetical ratio;—a time must arrive, sooner or later, when their numbers would so far exceed those of man, that the price of them must fall prodigiously. But although this was admitted on all hands, every purchaser persuaded himself that his own fortune at least would be made long before the price of agricultural stock could experience any considerable depression.

It pleased Divine Providence, however, to visit the colony in the midst of these speculations with a most afflictive and unprecedented drought of nearly three years' continuance; the effect of which, combined with the natural result of the *sheep and cattle mania*, was

completely to open the eyes of the colonists to their own folly and madness, to blast the golden hopes of multitudes, and to bring many respectable families to poverty and ruin. In short, the body politic of the colony had passed through a crisis of violent and unnatural excitement, which, according to the well-known maxim of Hippocrates, the father of medicine, must necessarily be followed by a corresponding crisis of unnatural depression.

II. During the years of drought, the sheep and cattle, which had been purchased so extensively in the years 1826 and 1827, increased in number very rapidly; for the native grass of New South Wales is so nutritious, that cattle especially, that are able to obtain abundance of good water, continue to thrive even in the driest seasons. A few cattle, it is true, were lost in several parts of the colony in attempting to find water where it was scarce; but the number was very inconsiderable. Indeed, some idea of the capabilities of the colony, in regard to the rearing of cattle, may be formed from the unparalleled fact, that within six months after the termination of a drought of nearly three years' continuance, butcher-meat of the very best quality could be purchased in Sydney, in quantities of not less than the half or the fourth of a carcass, at three farthings a pound—a price which was scarcely exceeded during the three following years.

During the prevalence of the drought, however, many of the settlers or landholders throughout the territory were brought into considerable difficulties from having to purchase grain at a high price for their

families and servants; for during one of the years of drought grain was imported from Van Dieman's Land and elsewhere for the internal consumption of the colony, to the amount of not less than £50,000. In the mean time, the numerous bills granted for the sheep and cattle purchased in the years 1826 and 1827 began to fall due, while the high interest (from ten to fifteen per cent) on mortgages given for the same purpose rapidly accumulated; till at length creditors became imperative in their demands for payment, being themselves generally pressed by other creditors either in the colony or in England; and debtors, who had nothing but their stock and their land to look to, found themselves suddenly and unexpectedly ruined. Month after month herds of cattle and flocks of sheep were seized and sold for the payment of the debts incurred by their original purchase; and this process was so frequently repeated, and the price of sheep and cattle consequently fell so rapidly; that when the original stock, with its whole increase during three successive years, failed to realize any thing like the amount of its original price, which very soon proved to be the case in many instances, the settler's farm was seized and sold also, and himself perhaps ultimately lodged in jail. The reader will easily conceive, that the distress and ruin which were thus experienced in all directions throughout the territory, would just be a little less extensive than the mania which had originally caused them. In short, those who had commenced with capital, found they had lost it in great measure; those who had salaries from Government, found that these salaries must in future be

appropriated for the payment of the debts which their own cupidity and infatuation had led them to contract ; and those who had neither had capital nor salaries at the first, had their property brought to the hammer, and themselves to poverty or to prison.

In the course of an excursion to the settlement of Hunter's River, for the performance of clerical duty in the month of March, 1830, I went a few miles out of my way to see an interesting and sequestered part of the country I had not previously visited, and to call on a respectable settler with whom I had previously formed some acquaintance. On my way to the settler's farm, my horse happening to prick up his ears at something he seemed to observe near the pathway, I looked in the direction to which the animal's attention was attracted, and observed two eagles in the act of killing a young kangaroo of one of the larger varieties, which it appeared they had just succeeded in hunting down. The eagles were scared at my approach, and accordingly, leaving their prey and perching themselves very leisurely on the low branches of trees almost over-head, looked down at me with as much apparent inquisitiveness and dissatisfaction as if they would have said, " Pray, sir, how came you to deprive us of our game ?" while the poor kangaroo, which had only been stunned or slightly wounded, instantly sprung up, and bounded off with prodigious leaps down the valley. The species of hunt which I had thus unconsciously interrupted is always managed by two eagles in concert, the one of which continues from time to time to fly at the kangaroo's face till the poor animal becomes confused ;

while the other is ready, whenever it stands still, to pounce upon its head, and sink his talons into its brain.

On my arrival at the settler's residence, I was gratified to find him at home, and to experience a very cordial welcome. His house was well enough for the *bush*, as the country is generally termed in the colony—half-shingled and half-covered with bark. The furniture was rude in the highest degree; but the plain and substantial repast, of which I was invited to partake before resuming my journey, was all the produce of the farm, and was accompanied with a sort of seasoning which is not always to be had in the colony—I mean genuine *Attic salt*: for the settler, having received a liberal education in his youth, quoted in the course of my short visit a well-known Greek epigram, which the classical reader will doubtless recollect, and the subject of which was the circumstance of the statue of Victory in the Senate-House of Rome being accidentally despoiled of its wings. I was sorry to find in the course of my visit that the quotation was capable of a personal reference to the settler himself, as the following circumstances, which he told me ere I took my leave of him, will probably enable the reader to discover.

In the year 1826, his stock of sheep and cattle was very considerable for the colony, and quite sufficient, if he had only been content with it, to have rendered him completely independent: but being seized, like many around him, with the colonial mania, he had purchased a number of heifers at £10 each on credit for two years, ten per cent interest being payable on the whole amount of his purchase till the final payment of the principal.

At the time he made the bargain, he was given to understand, that if it were not convenient for him to pay the money on its becoming due, he should be allowed to retain it during his pleasure at the same rate of interest as before. The creditor, however, being probably tempted by the prospect of obtaining a higher interest for his money, put his bills into the hands of a lawyer, and authorized him to demand payment. It was not convenient for the settler to pay the bills, but, having sheep and cattle in great numbers, he was obliged to sacrifice them to meet the demand of his creditor. In fact, his cattle, to the number of four hundred, were actually collected in his stock-yard at the time I reached his farm, and himself and one of his servants had been making preparations to drive two hundred of them over the mountains to Sydney—a distance of about two hundred miles, by the circuitous route they had to travel—on the following morning. “They are M.’s breed,” he observed; “they will at all events fetch two pounds a head, and that will set me up again.”

I left Hunter’s River next morning also to return to Sydney by a shorter route; and on my solitary journey of three days across the mountains I met with another incident, which the reader will doubtless excuse me for relating, as it illustrates the scenes and circumstances of travelling in Australia. I was trotting along the side of a hill, when a black snake of upwards of four feet in length, which had been basking in the sun on the bare foot-path—for such was the only road at the time for a considerable distance among the mountains—sprang out

from among my horse's feet and tried to escape. As it is considered a matter of duty in the colony to kill an animal of this kind, when it can be done without danger or inconvenience, I immediately dismounted, and, breaking off a twig from a bush, pursued and wounded the venomous reptile. I had struck it across the back a few inches from the head: it immediately turned itself round, and glared fiercely with its little dark eyes, while the portion of its body between the wound and the head instantly swelled to thrice its usual thickness. Finding itself, however, unable to spring at me, it tried again to escape, when I easily despatched it with a few additional strokes. It is usual in such cases to leave the animal extended, as a sort of trophy, across the footpath, to inform the next traveller that the country has been cleared of another nuisance, and to remind him perhaps of his own duty to do all that in him lies to clear it of every remaining nuisance; that it may become a goodly and a pleasant land, in which there shall be nothing left to hurt or to destroy.*

It was many weeks after my return to Sydney ere I

* I was so much gratified, a few days after the occurrence of the incident I have related, at accidentally observing the following beautiful and most accurate description of the appearances the snake exhibited when half-dead, that I shall take the liberty to subjoin it:—

Qualis sæpe viæ deprensus in aggere serpens,
 Ærea quem obliquum rota transiit; aut gravis ictu
 Seminecem liquit saxo lacerumque viator;
 Nequicquam longos fugiens dat corpore tortus,
 Parte ferox, ardensque oculis, et sibila colla
 Arduus attollens; pars vulnere clauda retentat
 Nexantem nodos, seque in sua membra plicantem.

VIRG. Æneid, v, 273.

heard any thing more of the Hunter's River settler. There had been a flood on the Hawkesbury during his journey, which had greatly retarded his arrival in Sydney : cattle had been falling in price in the mean time every day ; and I was truly sorry to learn, that when his large herd was ultimately brought to the hammer, and all the expenses of the sale discharged, they had realized only *twelve shillings and sixpence each*. The settler's farm was afterwards sold by the sheriff.

I have no hesitation in stating it as my belief, that the colony of New South Wales was indebted, in great measure, for this calamitous state of its affairs, to the establishment of the Australian Agricultural Company ; which, in thus incidentally occasioning the ruin of many respectable and hopeful families and individuals throughout the territory, was productive of a hundred-fold more harm to the colony, than any advantage it is ever likely to derive from the future operations of that company will counterbalance. The influx of free emigrants during the government of General Darling was inconsiderable when compared with the numbers that arrived during the administration of Sir Thomas Brisbane ; and there were sheep and cattle enough in the colony, at the close of Sir Thomas Brisbane's administration, to have enabled all these emigrants to have stocked their farms sufficiently at a very moderate price. Had this been done, therefore, and had the progress and prosperity of the colony not been violently interfered with from without, there were few settlers comparatively who would not have passed through the years of drought with but little inconvenience ; for that

calamity was greatly aggravated by a direct consequence of the *sheep and cattle mania*, which I shall mention more particularly in the sequel, and which would otherwise never have occurred—a general inattention to agriculture throughout the territory. But this salutary and natural order of things was unhappily interrupted: for, when the agent of the Australian Agricultural Company suddenly appeared in the colony with a million sterling in his pockets to purchase all the sheep, and cattle, and horses in the country, a nominal and imaginary value was given for a short period to all property of that particular description, and the colonists were in consequence completely infatuated for a season. Extensive ruin, however, was the natural result of the subsequent reaction.

I shall perhaps be told, that as the money so unprofitably embarked in the purchase of sheep and cattle was all expended in the colony, it was of little consequence, as far as the general welfare of the colony was concerned, into whose hands it eventually passed: but it does constitute a material difference to a country so peculiarly situated as New South Wales, whether the landed property it comprises shall be subdivided into estates of moderate extent, held and cultivated by resident and respectable proprietors, or form vast wildernesses in the hands of grasping monopolists and usurious money-lenders. It does constitute a material difference to a country so peculiarly situated, whether the resources of a large proportion of its most respectable inhabitants shall be expended in giving their offspring a liberal education, in improving their lands,

and in diffusing happiness in their respective vicinities, or be employed in fattening a daily increasing host of rapacious lawyers.

The Company's extensive grant was selected by Mr. Dawson, their agent in the colony; and the late Mr. Oxley, Surveyor-General of New South Wales. The locality fixed upon was the neighbourhood of Port Stephens to the northward of Hunter's River, where a large agricultural and grazing establishment was of course speedily formed; a considerable number of clerks, superintendents, and indented servants having been carried out for that purpose from England. But the Company naturally experienced the consequences of the rapid rise and the equally rapid fall of agricultural property, of which its own establishment was the primary cause; and the speculation of course did not succeed to the expectation of its projectors. Besides, many of the sheep contracted disease and died, and charges of gross mismanagement were in consequence preferred by the resident Colonial Committee against the agent, who was accused in particular of having made a hasty and improper selection of the Company's land, and of having placed the sheep on unwholesome pasture. The result was Mr. Dawson's dismissal, and a very general opinion that the Company's affairs had been ill-managed, and were by no means in a prosperous condition. Sir Edward Parry, the celebrated Polar navigator, was subsequently appointed by the Directors Resident Commissioner for the Company for the period of four years, with a salary of £2000 per annum, and an annuity of £300 on the expiration of his engagement.

The Company were authorized, moreover, through their powerful influence at Downing Street, (no such permission being ever granted to private individuals,) to make a second selection, of 600,000 acres of their land in a different and more eligible situation; which was accordingly made by Sir Edward on their behalf in the district of Liverpool Plains and on the banks of Peel's river—open pastoral tracts of country, of great beauty and extent, intervening between the sources of the Hunter and the River Hastings to the northward of Port Jackson.

Agricultural settlements have been formed on the Company's estate at Carrington and Stroud, near Port Stephens, and sheep-stations at Peel's River and Liverpool Plains; all of which, I have uniformly been given to understand were judiciously managed, during the whole period of his engagement, by Sir Edward Parry. Complaints, I am sorry to state, were repeatedly made against that distinguished officer, both in the colony and in England, for harsh and arbitrary procedure, in dismissing, on apparently frivolous grounds, two gentlemen of the Company's establishment, both of whom had been appointed in England with considerable salaries—the one as an accountant, and the other as an agriculturist—and both of whom had large families. I am not sufficiently acquainted with the facts in these cases to offer any opinion of my own on the subject: but that a disposition to arbitrary procedure does exist on the part of the celebrated Polar navigator, I confess I suspect; for I have seen certain of his general orders to the inferior officers of the Company's establishment, which

had more the resemblance of a Russian manifesto for the Duchy of Warsaw, than the orders of a superintendent of a joint-stock company's farm.

Since the return of Sir Edward Parry to England in the year 1834, the Company's estate has been under the management of Lieutenant-Colonel Dumaresq—a brother-in-law of Sir Ralph Darling—as resident commissioner, at a salary of £700 per annum. The Company have now about forty thousand fine-wooled sheep, with cattle and horses in proportion; and the speculation, to use the mercantile phrase, is now beginning *to answer*. It will be a splendid affair for the proprietors in a few years hence.

Any person, however, at all interested in the moral welfare and the general advancement of the colony of New South Wales, will scarcely fail to regard the establishment and continued existence of this mammoth Company with sincere regret, and will naturally feel grateful to the present Whig administration for having put it completely out of the power of any future ministry to effect such Tory jobs in the Australian Colonies hereafter, by entirely discontinuing the practice of granting waste land in these colonies, and by ordering that all such land shall in future be sold by public auction, and the proceeds devoted to the encouragement and promotion of emigration. A considerable portion of the Company's land at Liverpool Plains and Peel's River would, if sold on these terms, in the present comparatively advanced and prosperous state of the colony, fetch ten shillings per acre; but supposing that the whole grant were now to be sold by the Government at the minimum

price, it would at all events realize £250,000, which, at the rate of £30 for each family—the bounty on emigration, allowed from the land revenue by the government of New South Wales—would be sufficient to import into the colony eight thousand three hundred and thirty-three virtuous and industrious families from Great Britain and Ireland. And what service, I ask, has the Australian Agricultural Company—the result and offspring of an egregious Tory job—ever yet rendered, or is likely to render, the colony of New South Wales, in comparison with the results which would thus have ensued from the earlier prevalence and adoption of the principles of Whig policy?

On receiving their charter, the Company expressed their intention of introducing into the colony numerous free emigrants of superior qualifications, not only from the mother country, but from the continent of Europe. But what is the fact? Why, as a mere Presbyterian minister, humbly endeavouring to promote the intellectual, the moral, and the spiritual welfare of my adopted country, I have myself been the means of introducing and settling in the colonial territory, a larger number of individuals—men, women, and children—than the London Company have done during the last ten years, with all their parliamentary influence, with all their capital, and with all their land! And notwithstanding their professed intentions to promote the moral and religious interests, not merely of the European inhabitants of their estate, but of the wretched Aborigines of the territory, they had actually been about eight years in possession of that estate,—during

the whole of which period they had many free, and many more convict servants in their employment—and had expended nearly a quarter of a million sterling in their agricultural and grazing operations, before ever a Sabbath bell was heard on their land, or any rational effort made to provide their establishment with the regular dispensation of the ordinances of religion. Sir Edward Parry engaged a missionary of the Independent connexion, whom he found accidentally in the colony, to perform divine service at the Company's settlements during the latter part of the stipulated period of his own engagement in New South Wales; but it was not till the year 1836, that is, ten years after the Company had taken possession of their grant, that the Rev. Macquarie Cowper, a native of New South Wales, who had been educated and ordained as an episcopal clergyman in England, arrived in the colony to undertake the spiritual charge of their extensive establishment. If in such circumstances the Company's indented servants proved, as they actually did, in not a few instances, unfaithful and unworthy characters, who, I ask, is to blame?

It was doubtless wrong, in the first instance, for the Australian Agricultural Company to enter into the field of competition with the private agriculturists and graziers of New South Wales; for the proper and legitimate object of any chartered company either is, or ought to be, doing something of importance to the community, which cannot be done either so fully or so well by individuals. If, for instance, the Australian Agricultural Company had been merely a Land Company, like

those of British America, and if in that capacity they had been bound by the Government, as they ought unquestionably to have been, to introduce into the colony a certain number of useful emigrants, of the classes of mechanics and agriculturists, proportioned to the estimated value of their grant;—they would have rendered an essential service to the country by doing that which individuals could not accomplish, while, in all likelihood, they would have greatly benefited themselves. It is not too late, however, for the Directors to combine this really praiseworthy object with their present agricultural and grazing speculations; and as my only object in these remarks is the good of the colony, I trust they will, ere long, be induced to do so, on the ground of private interest as well as on that of public obligation: for, as it cannot be supposed, that such extensive concerns as the Company's flocks and herds are likely to become in a few years hence, can possibly be managed profitably by a joint stock corporation, it will be good policy on the part of the Company, while it would doubtless be conferring a real service on the colony, to carry out a number of virtuous and industrious free emigrants both from the mother country and from the south of Europe, to be settled on a suitable portion of their estate, on condition of their subsequently paying, by instalments, both for their passage-out and for their allotments of land.

III. The third remarkable era in the government of General Darling was the era of drought. For three successive years during the government of Sir Ralph Darling the usual supply of rain was in great measure

withheld from the colony, insomuch that, in the emphatic language of Scripture, *the heavens became as brass, and the earth as iron*. An entire failure of the crop in some districts, and a partial failure in others, were the necessary consequences of so direful a calamity; while the pasture-grounds presented in general the aspect of a beaten highway, and the cattle were reduced to extremities from the scarcity of water. So remarkable a feature in the meteorology of a country, of the physical constitution of which so little is accurately known, might well induce suspicion in regard to the eligibility of that country as a place for the residence of intending emigrants, if left wholly unexplained. I deem it expedient, therefore, to make a few remarks on the subject; chiefly to satisfy the reader, that the calamity with which the colony was thus so extensively afflicted during the government of General Darling, may reasonably be supposed of very unfrequent occurrence; and that although it doubtless arose from the visitation of God, it was greatly aggravated by the folly and infatuation of man.

My brother, Mr. Andrew Lang, has a farm or estate of two thousand four hundred acres on the Yimmang or Patterson's River, a few miles from its junction with the Hunter, in the principal agricultural district of the colony: it is partly intersected by a picturesque lagoon of a mile and a quarter in length, which, on the district being first settled, was eighteen feet deep at the one end of it, though considerably shallower at the other. The first time I visited Hunter's River, in the year 1827, the bed of this lagoon was full of water, and I had one

day the curiosity to borrow the little bark-canoe of a black native whom I found fishing *in puris naturalibus* on its bank, to ascertain the comparative conveniences of aboriginal navigation.* For nearly two years, however, during the prevalence of the drought, it was completely dry, and part of its rich alluvial bed was planted with tobacco, which grew most luxuriantly; and with maize or Indian corn, the produce of which was at the rate of eighty bushels an acre. It occurred to me at the time, that this circumstance might afford a cue to ascertain the period at which the last drought of equal severity had occurred in the country, and I therefore suggested to my brother to make inquiries on the subject of the older and more intelligent aborigines of the district. He did so accordingly; and they uniformly stated in reply, that they had never seen the lagoon dry before, but that their fathers had told them that they had seen it dry once. A drought, therefore, of equal severity with the one experienced in the colony during the government of General Darling, does not occur, we may reasonably suppose, oftener than once in fifty years.

The afflictive character of the drought, however, was greatly increased by the imprudence of the settlers themselves; many of whom, conceiving that agriculture was beneath the notice of those who were so speedily to make their fortunes by the rearing of sheep and cattle, chose rather to run the risk of buying wheat for

* The first or rudest ship does not appear to have been a tree hollowed out, agreeably to the ancient Roman adage, *Prima navis fuit cavata arbor*: in all probability it was a bark-canoe.

their families and convict-servants, than incur the trouble and expense of growing it. The result was, that there were far more buyers of wheat in the country than there ought to have been; and that many had to purchase grain imported from Van Dieman's Land, who might have grown it, partially at least, themselves.

Calamitous though it was, however, the drought was only partial, whole districts having either entirely or in great measure escaped its influence. It was much less felt, for instance, in the county of Argyle, to the southward and westward, than in the lowlands or earlier settled districts of the colony. In the lower parts of the settlement of Hunter's River, or on what the Americans would call the sea-board, it was by no means so severe as at a greater distance from the coast: and in Illawarra, an extensive and highly fertile district about fifty miles to the southward of Port Jackson, the few settlers who had cultivated grain in any quantity never lost a crop. Such also, I have ascertained, was the case at the settlements of Port Macquarie and Moreton Bay, to the northward; the former of which, containing a large extent of alluvial land on the banks of the river Hastings, has for six or seven years past been discontinued as a place of punishment, and occupied by free settlers: and I may add, moreover, that at Patrick's Plains, an extensive tract of uncommonly fertile land on Hunter's River, naturally destitute of timber, where the crop was nearly all destroyed in the year 1828, a good crop was reaped in the first year of the drought. In short, common industry and common precaution will always secure the

colony, even in a series of seasons as unfavourable as those of the long drought during the administration of General Darling, from the calamities arising from a scarcity of grain; for, although the crop should entirely fail in one district, it is likely to prove abundant in others.

In the year 1828, the second year of the drought, the failure of the crop in the upper parts of Hunter's River, and in certain other districts of the territory, was not attributable to the drought at all, but to blighting north-westerly winds. In the course of that season, when the settlers had a second time begun to despair of their crops, there was a copious and seasonable fall of rain, the almost instantaneous effect of which on the vegetation of the country was truly astonishing. The wheat crop immediately revived, and hopes were universally entertained of an abundant harvest. Just, however, as the wheat had got into ear, a north-westerly wind, blowing as if from the mouth of a furnace, swept across the country, and in one hour destroyed many hundred acres of highly promising wheat. As I had occasion to visit the district of Hunter's River in the discharge of clerical duty, immediately after this calamitous visitation, I made a few cursory observations on the subject, which on my return to Sydney I embodied in a paper, of which the following is an extract:—

“The disease called *the blight* undoubtedly arises from the north-westerly winds, which occasionally blow from the arid regions of the interior of this continental island, and exert a most destructive influence on vegetation of every description wherever they extend.

These winds prevail to a greater or less degree every season; but it is only in particular seasons, like the present, when, from causes unknown to us, they acquire a higher temperature, and blow for longer periods and with greater violence than in ordinary seasons, that they prove fatal to vegetation, and blast the hopes of the husbandman: and this result will doubtless be accelerated, if, as unfortunately happened this season, the vegetation is of that peculiar character which it uniformly acquires in a warm climate, when heavy rain succeeds a long continuance of drought.

* * * * *

“ Let the settler therefore, when about to clear land for cultivation, endeavour to select land having a southeasterly aspect; or, if that is impracticable, let him leave a pretty broad belt of trees at the north-western extremity of his cultivated land. If both of these objects can be attained, so much the better. Even a common rail-fence running in a transverse direction to that of the blighting winds, will break their force to such a degree, as to leave a narrow stripe of healthy wheat on the leeward side of it, while the rest of the field is entirely blighted. This is particularly observable on Patrick's Plains: nay, it is remarkable also, that, in such exposed situations, the growth in the furrows and along the edges of the furrows is the only part of the crop that is worth reaping, the greater elevation of the rest protecting it from the direct influence of the winds. For a similar reason, the Cape or bearded wheat is found to be less subject to blight than any other

variety of that grain, the line of spears which surround the ear breaking the force of the wind, and preventing it from reaching the grain in an unbroken stream. It was on this principle that Sir Humphrey Davy constructed his famous safety-lamp, which consists merely of a net-work of wire enveloping a common lamp; for although the meshes are pretty large, the intervention of the wire prevents the inflammable air from reaching the flame in an unbroken stream, and thereby prevents explosion. For the very opposite reason, the creeping wheat, which is remarkably thin-skinned, and is prized on account of its greater weight and superior quality, is more subject to blight than other varieties of that grain.

* * * * *

“ Although the north-westerly winds have prevailed for a considerable time past along the whole extent of Hunter’s River, as well as along the first and second branches of that river, it is obvious, from the present state both of the pasturage and of the crops in the lower part of its course, that their destructive influence has not been felt, or has been felt only in a very small degree, in that vicinity. It appears therefore, that in that part of the district the blighting influence of the N. W. winds is almost entirely counteracted by the proximity of the ocean, and the consequent diminution of temperature which that proximity must occasion. This result, however, is not produced by the mere mechanical effect of the sea-breeze, which generally alternates with the land wind along this coast during the summer months; for when the north-west wind

blows with sufficient violence to occasion blight in the interior, there is no sea-breeze on the coast: but the ocean not only cools the atmosphere above itself, but refrigerates the air, counteracts the noxious influence of the land wind, and promotes vegetation to the distance of about twenty-five miles on the coast. If it should be asked however, why the districts of Bathurst and Argyle are less subject to blight than the upper parts of Hunter's River,—it may be stated in reply, that the Argyle country is two degrees farther to the southward, and consists in great measure of elevated table-land, situated within a moderate distance of the coast. The plain of Bathurst, on the other hand, is two thousand feet above the level of the sea, while the upper part of the district of Hunter's River is almost on a level with the ocean. Now, it is perfectly obvious, that at so great an elevation the atmosphere must be much less dense than on lower levels, and consequently much less pernicious to vegetation when heated to a high degree.

“ From these premises we may infer that cultivation in this colony ought to be confined in a great measure to what the Americans call the sea-board, or to elevated table-land in the interior: and we have reason to congratulate ourselves that there is a sufficiency of excellent arable land on the lower parts of Hunter's River and the other rivers to the northward, to afford the requisite supply of grain to a very large population, without taking into account the banks of the Hawkesbury and the highly fertile district of Illawarra, in which the wheat crop has never yet failed. Let the land, therefore, in these localities be thrown into cultivation as ex-

tensively as possible, and the prevalence of blight in the interior will be much less severely felt by the colony at large, than it is likely to be in other circumstances.

“Sydney, 21st Nov., 1828.”

IV. The fourth remarkable era in the government of General Darling was the era of libels.

About a year after Sir Ralph Darling arrived in the colony, a worthless soldier of the 57th regiment, of the name of Thompson, wishing, it seems, to get quit of the service, and conceiving that the situation of a convict in New South Wales was in some respects superior to his own, persuaded another soldier of the same regiment of the name of Sudds—a peaceable, well-behaved man, but unfortunately not of sufficient firmness to resist the insidious influence of his comrade's bad advice—to join with him in the commission of a felony, for the express purpose of being dismissed the service. They accordingly went in company to the shop of a dealer in Sydney, on pretence of intending to purchase some article, and contrived to steal a piece of cloth, which they immediately cut in two, each secreting a part of it about his person: but the theft was designedly so very awkwardly managed, that its perpetrators were instantly detected, and delivered over to the civil power. They were accordingly tried, convicted, and sentenced to transportation to a penal settlement—Moreton Bay or Norfolk Island—for seven years.

In the course of the trial the object and design of the theft were ascertained beyond the possibility of doubt,

and the case accordingly assumed in the eye of the Governor a very different character from that of a common case of theft. The thieves were soldiers in His Majesty's service, and they had taken up the intolerable and highly dangerous idea, that the situation of a soldier was worse than that of a convict or transported felon : nay, acting on this idea, they had not only deserted His Majesty's service, which they were paid, and maintained, and sworn to uphold ; but had actually made common cause and identified themselves with those very disturbers of the public peace, from whose vicious propensities or actual violence they were bound to protect his Majesty's subjects. In short, their example, in so far as it was likely to be contagious, was evidently highly dangerous to the peace and good government of the colony ; and the Governor therefore, who in common with all other governors of British colonies is authorized to provide for all such extreme cases as involve the very existence of the government to the best of his own judgment, conceived this was just such a case. Whether he may not have attached too much importance to the case, or whether he may not have magnified the danger that was likely to accrue from it, if treated in the ordinary way, it is unnecessary to inquire.

With a view, therefore, to obviate the evils apprehended, the Governor, in his capacity of Lieutenant-General and Commander of the Forces, issued a general order, in virtue of which the two soldiers were taken out of the hands of the civil power, and brought, on a day appointed, to the barrack-square in Sydney, where

their crime was publicly announced to all the other soldiers in garrison; their sentence of transportation to a penal settlement for seven years was declared to be commuted into that of hard labour in irons on the roads of the colony for the same period,—doubtless that they might be occasionally seen by other soldiers in going to and from their places of detachment in the interior; and it was formally announced to them, that at the expiration of their period of sentence they should return to the regiment and serve in the ranks as before. Immediately after they were publicly stripped of their uniform, and arrayed in the dress of convicts; iron collars of considerable weight, prepared expressly for the purpose, with projecting iron spikes and chains of the same metal attached to fetters for the legs,—such it seems as are used in the Isle of France or the West Indies for the punishment or confinement of runaway negroes,*—were affixed to their necks; and they

* The device of the iron-collars has hitherto been uniformly represented as a thing previously unheard of in New South Wales, and as evincing the peculiarly inhuman disposition of General Darling. What will be thought of the following sentence of a bench of magistrates in the town of Sydney in the year 1807, from which it appears that *iron collars* had been in use in the colony, as an aggravation of punishment, not less than twenty years previous to the case of Sudds and Thompson?

“ Thomas Prosser, Robert Matthews, Patrick Mitchell, Tristram Moore, Patrick Galvin, Wm. Saunders, Francis Allen, convicts, are charged with absconding from the settlement; and Wm. Blake, a freeman, charged with aiding and assisting the above-named prisoners at absconding as above stated.

“ The charges above stated being read to the several prisoners, and to Wm. Blake, the freeman, they acknowledge themselves guilty of the respective crimes they are charged with.

“ The bench of Magistrates, finding them guilty of a breach of the

were drummed out of the regiment with the Rogue's March to the common jail.

All this procedure, in so far as it was evidently an interference with the due course of law, was, according to all the approved maxims of British jurisprudence, undoubtedly illegal and indefensible. Whether there was a case of urgent necessity to justify it on any ground,—whether the peace and good government of the colony would have been endangered by adopting the ordinary course of procedure,—that is the question; and it is one on which there was room for a difference of opinion. For my own part, even although there had actually been such a case as I have shown the Governor supposed there was, I should have been disposed to say, “Let the law have its due course.” At the same time, as punishment is intended not merely for the correction of the offender, but as a means of deterring others from imitating his pernicious example, it was the part of a good Governor to consider how he could render the punishment of the two culprits in the case in

colonial regulations of the 18th of November, 1800, do sentence Matthews, as a principal, to receive one thousand lashes; Moore, Galvin, and Saunders, five hundred lashes; Francis Allen, to hard labour, *with an iron collar*, at Newcastle; Wm. Blake, free from servitude, two hundred lashes, and three years' hard labour; Thomas Prosser, emancipated, two hundred lashes, and three years' hard labour; and Patrick Mitchell, two hundred lashes, and three years' hard labour, and to work in the jail gang until farther orders.

(Signed)

RICHARD ATKINS,
JOHN HARRIS,
THOMAS JAMIESON.”

Proceedings of a Bench of Magistrates in Sydney. Vide “Colonel Johnson's Trial,” p. 333.

question effectual, in the most extensive manner, in preventing the recurrence of their crime : and if in doing so he made the punishment extremely degrading on the one hand, and unfeelingly severe on the other, such a result could only have arisen from an error of judgment ; for it was absolutely incredible that in such a case personal feeling could exist, or that the Governor could have had any other object in view than the public good. This was indeed so generally acknowledged throughout the colony at the time when the circumstance occurred, that if no extraordinary and unexpected result had ensued, the anomalous character of the punishment would neither have been discovered nor complained of ; for even the able Opposition paper of the day admitted that the offence of the soldiers was a serious and dangerous offence, and one that required extraordinary treatment.

The man Sudds, however, was labouring at the time under some chronic affection of the liver, which had been unfortunately overlooked, through inattention, I believe, on the part of the medical officer of the jail ; and which, if reported to the Governor beforehand, would in all probability have prevented the man's exposure to the scenes of the barrack-square. But the public disgrace to which he had been subjected in the presence of all his former comrades, and his exposure in a state of bodily illness to the heat of a burning sun, the utter disappointment of the hopes which his wicked associate had led him to entertain, and the miserable prospect that lay before him—all these circumstances operating in conjunction with his hepatic affection, and doubtless considerably aggravated by the action of his

iron collar,—immediately plunged the wretched man into a state of hopeless despondency, in which he was at length removed from the jail to the general hospital, where he died in a few days.

This was a most unfortunate and a most unlooked-for termination of the case of the two soldiers : still, however, as it was evident to all parties that there was no ground whatever for the imputation of improper motives ; if a fair statement of the case, such as I have attempted to give, had been indirectly given on the part of the Government—admitting the error of judgment which evil-disposed persons were now beginning to discover, and lamenting the unfortunate and unforeseen issue of the affair,—the matter would very soon have been forgotten, and disaffection itself would have been entirely disarmed.

General Darling, however, was peculiarly unfortunate at the time in question in having a supporter, forsooth, in the person of the late Mr. Robert Howe, editor of the “ Sydney Gazette.” This redoubtable champion of the colonial government, in a spirit of infatuation which I have never seen equalled in the whole course of my life, listened with the utmost eagerness to the first murmurs of disapprobation ; and not only commenced a regular defence of the measures adopted by the colonial government in the case of the two soldiers, and held them forth to the colony as highly proper and praiseworthy, but ever and anon launched forth whole paragraphs of the most provoking and unprovoked personal vituperation at the heads of all and sundry who presumed to think or speak or write otherwise.

This was more than human nature unaided by Divine

grace could be expected to endure ; and accordingly Dr. Wardell, a colonial barrister of eminent talent, who was then the editor of the "Australian" newspaper, and whose frail nature had evidently no such supernatural assistance, gradually discovered more and more illegality, and more and more enormity in the Governor's procedure, till he came at length to write of it in a style and manner to the last degree unjustifiable and unbecoming. The "Australian" newspaper subsequently passed into other hands of far inferior ability ; in which, however, its lack of talent was abundantly compensated by the plenitude and the depth of its vituperation. The "Sydney Gazette" happened also to fall into the hands of other editors, who in this particular inherited the principles and followed the steps of their predecessor : and the "Monitor," a third colonial newspaper, conducted on the radical principles and as much as possible in the vituperative style of Mr. Cobbett, appeared in the mean time on the colonial carpet, and, summoning the whole prison population to contemplate the contest, fiercely threw down the gauntlet of opposition. On this high and dignified arena, where "Greek met Greek," forsooth, the case of Sudds and Thompson continued, during the last four years of General Darling's administration, to afford an inexhaustible subject for the display of every thing but argument and ability, and the common proprieties of literary warfare : it constituted the dead weight of every paragraph and the burden of every song. The Governor was defended, forsooth, and bepraised on the one hand with all the nauseating fulsomeness of

literary prostitution ;* he was attacked on the other with absolute and incessant scurrility. If he had been an angel of light, and if his government had transformed the colony from a frightful solitude to a blooming Eden, stronger language of commendation relative to his person and government could not possibly have been used, than that which one department of the colonial press most absurdly and most perseveringly employed in his praise : if he had been a murderer and a parricide—if his government had reduced the colony from a paradise to a pandemonium, he could not have been spoken of in more vile and opprobrious language, than other departments of that press used respecting him ; nor could more strenuous and unremitting efforts have been made to bring his person and his administration into utter contempt.

From the preceding statement, it will doubtless appear sufficiently obvious, that General Darling was himself greatly to blame in reference to this undignified contest. It was the “ Sydney Gazette ” that originated and provoked the discussion ; and as that paper was virtually paid by the government during General Darling’s administration, being supported in great measure by government patronage, it was fully in the Governor’s power to have commanded silence in that quarter, on a subject on which silence alone could have been expressive of his praise. But as General Darling lacked magnanimity in the first instance to disclaim the attri-

* “ He that has flattery ready for all whom the vicissitudes of the world happen to exalt, must be scorned as a prostituted mind.”—*Johnson’s Life of Waller*.

bute of infallibility, by not allowing it to be even hinted that he could possibly err ; so he afterwards lacked discernment to perceive that unmerited commendation was only censure of the worst species in disguise : and in reference to the scenes of crimination and recrimination that ensued in the public press of the colony, it cannot be denied that if the Governor had good reason to complain, as he did so loudly in the sequel, that the Opposition papers had given him many ungentlemanly knocks, their editors could retort that he had himself dealt the first vulgar blow.

One of the first acts of the present Governor, Major-General Sir Richard Bourke, was to disclaim every sort of connexion with the colonial press, by causing a Government Gazette, for government advertisements exclusively, to be published weekly, and by offering the whole of the government printing to the lowest bidder. It was an act of the wisest policy, and one in which Sir Richard Bourke has doubtless consulted his own peace of mind, as well as the general welfare of the colony ; for nothing could possibly be more thoroughly subversive both of public tranquillity and of domestic enjoyment, than the system pursued, in reference to the colonial newspapers, during the government of his predecessor.

The impolicy of General Darling's procedure, in regard to the newspapers of the colony, amounted almost, in some instances, to a want of common sense. Mr. Edward Smith Hall, the editor of the "Monitor," had arrived in New South Wales as a free emigrant during the government of Major-General Macquarie ; and,

besides having universally borne an unblemished private character, he had deserved well of the colony in having reared a numerous and virtuous family : his property was by no means extensive, and, like that of most proprietors in the colony, it consisted chiefly of land and cattle. In the genial climate of New South Wales, the latter increase at a rate quite unparalleled in Europe ; and the proprietor of a moderate extent of land is therefore obliged, in the course of a few years after he has formed his settlement in the forest, to look beyond the boundaries of his own property for fresh pasture for his rapidly increasing herds. To meet cases of this description, General Darling had very properly allowed proprietors to rent extensive tracts of unlocated crown land, for periods of six or twelve months, at the rate of two shillings and sixpence per annum for every hundred acres ; but on Mr. Hall's applying for a lease of this kind, it was peremptorily refused ; and, on asking the reason why, he was told that the circumstance of his being the editor of the "Monitor" was a sufficient reason to disentitle him to any indulgence from the government. I have been told, (for I was not in the habit of reading the "Monitor" at the time,) that Mr. Hall had been rather moderate in his opposition up to this period ; but whether he had been so or not, it was just the time for the Governor to have disarmed that Opposition of its virulence for the future, by doing him an act of common justice, if not of generosity.

This act of egregious impolicy was followed up by another, which had much the appearance of vindictive-

ness. Mr. Hall had a convict compositor in his employment, who had been assigned to him agreeably to the government regulations ; but, in contrariety to the uniform practice in such cases, the man was *resumed* by the government ; for this was the word made use of on the occasion, to designate an act, which up to that period had no distinctive name in the colony, from its having been previously unpractised and unknown.

When a Government condescends in this manner to enter the lists with a private individual, that individual immediately acquires a notoriety, and assumes an importance in the estimation of the public, which his own native energies could never have procured him. I doubt much whether Mr. Hall's paper had sufficient buoyancy to have kept it above water till the close of General Darling's administration, had he not been enabled to do so by the Governor : for when a general in the army stoops to place himself in the attitude of a boxer, who is there so devoid of curiosity as not to be desirous of witnessing the fight ?

It was unfortunate, however, for the colonial public, that the Opposition papers of the colony, during the government of General Darling, were by no means distinguished for that scrupulous regard to truth, without which no person can merit the confidence of the public. There was a rabid desire to publish whatever had a tendency to bring either the Governor, or persons in any way connected with the government, into general disfavour ; and information of this kind was accordingly received with the utmost eagerness, and often without the least regard to the character of the quarter from

which it came. It fared, therefore, with the Opposition editors as it did with the shepherd-boy in the fable, who was perpetually bawling out "*a wolf! a wolf!*"—they lost the confidence of persons of moderate principles, and were consequently left with but slight sympathy to the difficulties of their situation: in short, the wolf came, but nobody turned out.

At the same time, it must be confessed, that the feverish condition of the body politic of the colony, induced, during the latter part of General Darling's administration, through His Excellency's perpetual and unmanly squabbles with a contemptible press, necessarily produced a state of general suspicion and distrust in the community at large; insomuch that a man could neither converse openly nor dine with persons on the list of the proscribed, without indulging the fear of its being reported to his disadvantage at Government House. Nay, a remarkably good-natured old gentleman, whose political opinions, on any subject at all interesting to the fate of nations, no person of the least discernment would even have thought it of importance to ascertain, actually shot himself, because he found he had incurred the Governor's displeasure through his acceptance, on some occasion or other, of radical hospitality.

It would be a great mistake to estimate newspaper-writers in general, but especially in the colonies, on any other principles than those that regulate the practice of persons in other lines of business, the whole and the sole object of which is to make money. People do not go to the colonies merely to preach up liberty and the

rights of men : they go, for the most part, as it is most accurately certified in the custom-house books, *to better their fortunes*. If this paramount object can be gained through government patronage or a government appointment, *Things as they are* is their motto, and servile adulation of the powers that be their profitable employment : if the government patronage, however, is otherwise engaged, and the government situations all bespoken, they strike for *liberty and independence* ; just as a prudent man opens a shop in the grocery or tobacco line, when he finds that the ironmongery or haberdashery business, which he would have otherwise preferred, is already overdone. It was confidently reported and currently believed in the colony, that the ablest Opposition editor we have ever had in the country, the late Dr. Wardell, LL.D. did not become a patriot, i. e. *a person opposed to the government*, till he had been refused a lucrative government appointment.

It is the pride and delight of a general dealer *to keep a good article* ; but it is always to be remembered that the goodness of the article is estimated not so much according to its intrinsic value, as according to the taste of the customer. If the latter, for instance, should prefer colonial tobacco or colonial gin, the dealer would forthwith cease to import Brazils tobacco or genuine Jamaica, notwithstanding its acknowledged superiority. In like manner the article manufactured by the colonial press is in every respect suited to the taste of the customer ; and in a colony in which two-thirds of the revenue arise from the sale of ardent spirits, it requires no conjurer to ascertain what that taste espe-

cially is. In short, a taste for rum implies a taste for ribaldry, for gross personal vituperation, and for an indiscriminate abuse of all the measures of government and of all its supporters; and it cannot be denied that this vitiated taste was ministered to by the colonial press during the government of General Darling, with a zeal and perseverance above all praise.

Indeed, it is undeniable, that the general taste for rum has rendered the sellers of that article too numerous and too money-making a class in the Australian community, to be disregarded on the one hand by the gentlemen of the press, or not to influence the periodical literature of the colony on the other. The rights and privileges of these individuals have uniformly been defended by the colonial press with as much devotedness as if the race of publicans constituted a fourth estate in the realm; and their tastes in the way of reading have been consulted with the assiduous attention of a tender-hearted nurse to a sick child. If the government, for instance, propose to pass an act to prevent tippling at certain hours on Sunday, there is an immediate outcry against the intolerable infringement of the rights of Englishmen, in not allowing an honest man to enjoy his pipe and tankard, and his colonial newspaper, in a respectable public-house, *of a Sunday*, without being subjected to the inquisitorial visits of a petty constable. A considerable proportion of the daily frequenters of these places of resort, as well as of the lower classes in general throughout the colony, consists of Roman Catholics: for the special gratification, therefore, of that class of the community, Protestant

editors republish Mr. Cobbett's libels on the reformation: and as a still larger proportion of the rum-drinking, as well as of the colonial population in general, are notoriously of no religion at all, the cause of the Deists, forsooth, is advocated with the utmost tenderness and the utmost liberality. In short, there is a species of action and reaction in perpetual progress between the colonial press on the one hand, and the rum-selling and the rum-drinking interests of the colony on the other, which is doubtless quite accordant with the acknowledged laws of physics, and the result of which is the farther debasement of both: for as every public-house has a tap, and as every tap must have a newspaper, the swallows of the vile and villanous stuff that is sold in these haunts of dissipation must have something equally worthless in the shape of literature to swallow along with it.

This licentiousness of the colonial press during the government of General Darling, or rather the state of feverish annoyance in which the Governor was perpetually kept by its personal attacks on himself, induced him to pass certain acts affecting the press of the colony, which were designated by the Opposition editors *the gagging acts*, and which only tended to render their personalities more provokingly offensive. In the mean time, Mr. William Wentworth, a native of the colony, and the favourite barrister of all the newspaper patriots of New South Wales, prepared and forwarded to England certain charges against General Darling, which were known and described in the colony as an impeachment of the Governor; and it was even given

out that Mr. Wentworth intended to *dog* His Excellency to England, on his retirement from the government of the colony, to prosecute him before the High Court of Parliament on the Sudds and Thompson affair. This prodigious display of *intended* patriotism naturally afforded an excellent handle to the colonial press; and the mention of the impeachment in a variety of ways in the colonial newspapers led to a series of prosecutions for libel in the Supreme Court of the colony; the result of which was, that all the three editors were repeatedly cast and fined, while those of the Opposition newspapers were besides subjected to a long imprisonment in the common jail. As the famous impeachment, however, was never heard of after the Governor left the colony, it was evident that the whole affair was a mere *ruse de guerre*, or rather mere *fanfaronnade*. Mr. Wentworth did indeed exhibit his patriotism on the occasion of General Darling's departure from the colony, in a way that perhaps occasioned him less personal hardship than a voyage to England, but that nevertheless did him great credit in the estimation of a certain portion of the colonial public; for, like a true patriot who did not disdain the meanness of a vulgar triumph, he entertained a party of friends on the day of the Governor's embarkation, to celebrate the auspicious event, while all and sundry the *canaille* of Sydney were permitted to partake of his indiscriminate hospitality in front of his residence. The guests on that occasion, doubtless those of the latter description, evinced their extreme delicacy and propriety of feeling by grossly insulting General Darling's family as they passed, on their return to

Sydney, alongside the vessel in which they were then lying in the harbour ready for sea. These particulars may perhaps appear uninteresting to the general reader; but they will at least show him of what materials the *richest and rarest gems* of Australian patriotism are composed.

General Darling embarked for England on the 22nd of October, 1831, having administered the affairs of the colony for nearly six years.

After his return to England, and in consequence of reiterated representations from individuals who had either been opposed to his government, or had fancied themselves deeply injured through his measures, various attempts were made in the House of Commons to procure the appointment of a Parliamentary Committee to investigate the charges laid against him. Mr. Maurice O'Connell succeeded at length in this object, and procured the appointment of a Parliamentary Committee in the year 1835: but as the Committee were particularly instructed, on the motion of Lord John Russell, not to interfere with the case of Captain Robison, an officer who had undoubtedly been harshly used, if not absolutely ruined, by General Darling, (although it must be acknowledged that he had himself acted with extreme imprudence,) and as there was no evidence adduced to substantiate the other charges, he was honourably acquitted, and received from His Majesty, as a token of his royal favour on the occasion, the honour of knighthood.

It would be preposterous to attach the least degree

of importance to the result of this ill-advised and uncalled-for proceeding, on the part of Mr. Maurice O'Connell and his colonial prompters, in endeavouring to ascertain the exact merits or demerits of Sir Ralph Darling as a Governor of New South Wales. The conduct of a British Governor at the extremity of the globe must surely be peculiarly flagrant, if it cannot be sheltered from the condemnation of a Parliamentary Committee assembled in London. That there were no grounds sufficient to authorize the appointment of such a Committee, in the case in question, I most willingly admit; but that the verdict of honourable acquittal, pronounced by that Committee, is to be received and interpreted by the public as an authoritative declaration that Sir Ralph Darling was a good Governor, or that he did what he ought to have done, and what it was fully in his power to do, for the general advancement, and especially for the intellectual, the moral, and the spiritual welfare of the people of his government,—I must use the freedom to deny. It is at the bar of public opinion, and not merely by Parliamentary Committees, that Governors are to be tried, and their merits or demerits estimated and determined; and I should be sorry indeed, on behalf of the best interests of my adopted country, if the ill-advised and uncalled-for attempt at parliamentary investigation in the case of Sir Ralph Darling should ever preclude an appeal to that bar in the case of any future Governor of New South Wales.

I shall conclude this chapter with the following sketch

of the progress of geographical discovery in the interior of New South Wales during the government of Sir Ralph Darling.

The disappearance of the river Macquarie in an extensive marsh in the western interior,—a point which had been ascertained by Mr. Oxley during the government of Major-General Macquarie,—had given rise to many and contradictory conjectures, in regard to the general conformation of the Australian continent, among men of science in the European world. Mr. Oxley's opinion was, that the ocean of reeds in which he had suddenly lost all traces of the river was part of a vast inland sea, which occupied the interior of the continent, and from which there was no outlet to the coast; and as the river Lachlan, which also pursues a westerly course considerably to the southward of the Macquarie, was also ascertained by the same officer to lose itself in a similar way, this opinion was regarded as extremely probable; and the vast *terra incognita* of Australia was of consequence supposed to resemble a Scotch peasant's bonnet turned upside down, or a shallow basin made for *holding water*.

During the long drought that afflicted the colony in the course of Sir Ralph Darling's administration, it occurred to the Governor that a favourable opportunity was at length afforded for examining the interior marshes discovered by Mr. Oxley, and for ascertaining the actual fate of the river which had been so strangely reported by that gentleman to have committed an act of *felo de se* in the wilderness of Australia. An expedition was accordingly fitted out for the express purpose of ex-

amining the marshes of the Macquarie, under the command of Captain Sturt, of His Majesty's 39th regiment, who was accompanied by the enterprising native of the colony I have already mentioned, Mr. Hamilton Hume. In the course of his journey, during which the whole party experienced much suffering and privation from the excessive heat of the weather and the afflictive character of the drought, Captain Sturt ascertained that the marsh in which Mr. Oxley had lost the river was only of moderate extent—fifty miles in length and twenty in breadth—and that there was no such inland sea as that gentleman supposed. To the northward, however, a chain of ponds was discovered communicating with the dry bed of a torrent, whose channel was evidently intended to carry off the overflowings of the marshes in rainy seasons, and which Captain Sturt therefore very properly considered as the re-appearance of the Macquarie. This river, or rather torrent, was traced for a considerable distance in a northerly direction, and was found to communicate with a much larger river than the Macquarie, which Captain Sturt named the Darling, but of which the water was as salt as that of the ocean, from numerous brine-springs on its banks. Captain Sturt traced the Darling ninety miles from the point where it received the drainings of the marshes of the Macquarie; its course from that point being first north-westerly, but afterwards south-westerly. In the lower part of its ascertained course it was sixty yards in width in the extremity of the drought, and it was flowing to the southward in majestic loneliness, when Captain Sturt was reluctantly obliged to discontinue its examination, and to return with the expedition to the colony.

In the course of a second journey to the northward, undertaken in the year 1827, and extending as far as the latitude of Moreton Bay, Mr. Allan Cunningham, of whom I have already had occasion to make honourable mention, crossed four considerable streams, two of which he named the Gwydir and the Dumaresq, of which, however, the course and the fate (to use a phrase peculiarly applicable to the rivers of Australia) remained to be ascertained by subsequent discovery. In this journey, that enterprising and indefatigable traveller traversed the interior for an extent of five degrees of latitude to the northward, and made us acquainted with the existence of an extensive tract of available land, which at no distant period will doubtless be turned to good account by future settlers at Moreton Bay.

In consequence of an idea entertained by Major Mitchell, the present Surveyor-General of New South Wales, that an outlet existed for the waters of the interior to the north-westward, an expedition was fitted out for a journey of discovery in that direction, in the year 1831, immediately after General Darling left the colony; the petty jealousies which were unhappily allowed to influence the operations of the colonial government having previously precluded Major Mitchell from attempting to ascertain by actual examination the correctness of his conjecture. Major Mitchell's expedition was unfortunate in its issue. A *dépôt* was formed in the course of the journey, at which a large portion of the provisions intended for the expedition was deposited under the charge of two convict servants: in the absence, however, of the rest of the party, the two

men were speared by the natives, and the provisions either carried off or destroyed. Major Mitchell was therefore obliged to return to the colony much sooner than he had expected, and without accomplishing the main object of his journey. Considerable light, however, was thrown on the geographical conformation of the Australian continent by this expedition. It was ascertained, for instance, that the dividing range that separates the interior waters flowing ultimately in a northerly from those flowing ultimately in a southerly direction, was considerably farther to the northward than had previously been supposed ; the rivers Gwydir and Dumaresq, or, as they are called by the natives, the *Kindur* and the *Karaula*, which Mr. Cunningham had discovered flowing in a north-westerly direction, having been ascertained to alter their course, and to flow afterwards to the southward and westward. It would seem therefore that the river Darling is the common receptacle for the various streams that rise on the western declivity of the mountains that run parallel to the east coast of the continent—the Macquarie, the Castlereagh, the Peel, and the two rivers discovered by Mr. Cunningham ; Major Mitchell's conjecture in regard to the northern waters still remaining to be verified by future discovery.

I have already observed, that during the government of Major-General Macquarie, a river of considerable magnitude, called the Morumbidgee, was discovered flowing with a rapid westerly course from the elevated table-land to the southward and westward of Port Jackson. Highly favourable accounts reached the

colony from time to time of the country on the banks of this river; and the interesting report that was given by two gentlemen of the district of Bathurst, who had traced it for one hundred and fifty miles beyond the farthest cattle-station in the interior, served only to increase the mystery in which its fate was enveloped, and to heighten the general desire to ascertain whether it ultimately reached the surrounding ocean. An expedition of discovery was accordingly fitted out to proceed down the Morumbidgee, in the month of November, 1829, of which Captain Sturt, who had shortly before ascertained the termination of the river Macquarie, and the existence of a still larger river in the western interior, with so much credit to himself and so much satisfaction to the colony, was entrusted with the command.

In the upper part of its course the Morumbidgee traverses a country consisting chiefly of grassy hills and romantic valleys, well fitted for the residence and subsistence of civilized man. Along the course of the river there is a succession of flats, some on the right, and others on the left bank of the stream; some of larger, and others of smaller extent, which, according to Captain Sturt, "for richness of soil, and for abundance of pasture, can no where be excelled." Farther to the westward the country is of an inferior character; and on approaching the meridian on which the Lachlan river had been ascertained by Mr. Oxley to disappear in an extensive marsh, considerably to the northward, it exhibits the aspect of absolute sterility and hopeless desolation. It would seem, indeed, that the overflowings of

the marshes of the Lachlan are carried off by a series of insignificant rills into the bed of the Morumbidgee, just as those of the marshes of the Macquarie are left to find their way into the channel of the Darling. About fifty miles to the westward of these marshes, the Morumbidgee empties its diminished current into a noble river flowing from the eastward, to which Captain Sturt gave the name of the *Murray*. At the point where it receives the Morumbidgee, the Murray is about three hundred and fifty feet in width, and from twelve to twenty in depth. "Its reaches," says Captain Sturt, "were from half to three-quarters of a mile in length, and the views upon it were splendid: its transparent waters were running over a sandy bed at the rate of two and a half knots an hour; and its banks, although averaging eighteen feet in height, were evidently subject to floods." "The river," adds the same intelligent traveller, in a subsequent paragraph, "improved upon us at every mile: its reaches were of noble breadth and splendid appearance: its current was stronger, and it was fed by numerous springs."

The Murray is in all likelihood formed by the confluence of the three rivers already mentioned, that were crossed by Messrs. Hovell and Hume on their expedition to Port Phillip in the year 1824; and it probably constitutes the common receptacle of the western waters of the south-east angle of the continent of Australia. From its junction with the Morumbidgee, it flows in a west-north-westerly direction for about fifty or sixty miles, and is then joined by a noble river of a hundred yards in width flowing from the northward, which Captain

Sturt supposes, with evident propriety, to be the Darling—the common receptacle of the western waters from the twenty-ninth parallel of south latitude. From the point of its junction with the latter river, the Murray pursues a south-westerly course for about fifty or sixty miles farther, and then flows due south for the remainder of its course. “We passed some beautiful scenery,” says Captain Sturt, in the interesting narrative of this part of his expedition, “in the course of the day. The river preserved a direct southerly course, and could not in any place have been less than four hundred yards in breadth.” “As we proceeded down it, the valley” (through which the river winds) “expanded to the width of two miles; the alluvial flats became proportionably larger, and a small lake generally occupied their centre. They were extensively covered with reeds and grass; for which reason, notwithstanding that they were a little elevated above the level of the stream, I do not think they are subject to overflow. Parts of them may be laid under water, but certainly not the whole. The rains at the head of the Murray, and its tributaries, must be unusually severe to prolong their effects to this distant region, and the flats bordering it appear by successive depositions to have only just gained a height above the farther influence of the floods. Should this prove to be the case, the valley may be decidedly laid down as a most desirable spot, whether we regard the richness of its soil, its rock formation, its locality, or the extreme facility of water-communication along it.” The Murray was found to

terminate in an extensive lake on the southern coast, near the gulf of St. Vincent.

“ We had at length arrived,” says Captain Sturt, on ascending an eminence to obtain a view of the country, at a place where the river suddenly expanded into a wide basin, “ at the termination of the Murray. Immediately below me was a beautiful lake, which appeared to be a fitting reservoir for the noble stream that had led us to it, and which was now ruffled by the breeze that swept over it. The ranges, which had previously been seen to the westward, were more distinctly visible, stretching from south to north, and were certainly distant forty miles : they had a regular unbroken outline ; declining gradually to the south, but terminating abruptly at a lofty mountain northerly. I had no doubt on my mind of this being the Mount Lofty of Captain Flinders, or that the range was that immediately to the eastward of St. Vincent’s Gulf. Between us and the ranges a beautiful promontory shot into the lake, being a continuation of the right bank of the Murray. Over this promontory the waters stretched to the base of the ranges, and formed an extensive bay. To the north-west the country was exceedingly low, but distant peaks were just visible over it. To the south-west a bold headland showed itself ; beyond which, to the westward, there was a clear and open sea visible, through a strait formed by this headland, and a point projecting from the opposite shore. To the east and south-east, the country was low, excepting the left shore of the lake, which was backed by some minor elevations crowned with cypresses. Even

while gazing on this fine scene, I could not but regret that the Murray had thus terminated ; for I immediately foresaw that, in all probability, we should be disappointed in finding any practicable communication between the lake and the ocean, as it was evident that the former was not much influenced by tides." " We pitched our tents on a low track of land that stretched away seemingly for many miles directly behind us to the eastward. It was of the richest soil, being a black vegetable deposit ; and, although now high above its influence, the lake had, it was evident, once formed a part of its bed." *

The lake Alexandrina (for such was the name by which Captain Sturt designated the noble sheet of water into which the Murray disembogues its current) is sixty miles in length and forty in breadth, and is situated to the eastward of the gulf of St. Vincent, between the one hundred and thirty-ninth and one hundred and fortieth degrees of east longitude on the southern coast of Australia. It communicates with the ocean in Encounter Bay by a narrow channel, impracticable even for boats ; and, although the point has not yet been satisfactorily ascertained, there is reason to believe that there is no navigable outlet in any other direction. Some time after Captain Sturt's expedition, Captain Barker, a meritorious officer, also of the Thirty-ninth Regiment, who was then Commandant at King George's Sound, was ordered by General Darling

* " Two Expeditions into the Interior of Southern Australia, &c. By Captain Charles Sturt, Thirty-ninth Foot." London, 1833. *passim*.

to examine the southern coast in the vicinity of the lake, on his return to head-quarters, after the transference of that settlement to the colony of Swan River : but that unfortunate officer being, it would seem, zealous overmuch in the discharge of his duty, was speared by the natives when separated from the rest of his party by a narrow inlet on the coast, across which he had swum alone to examine the beach on the opposite shore ; and the public are therefore deprived in the mean time of the accurate information which he would doubtless have afforded them in regard to the outlets, and the general character of the country in the vicinity, of the lake.

But although there should be no practicable outlet from the Lake Alexandrina to the ocean, the discoveries effected by Captain Sturt, in the course of his second expedition, are of the utmost importance. A vast extent of available land, in a climate of unequalled salubrity, has thus been thrown open for immediate colonization. "The valley of the Murray, at its entrance," says Captain Sturt, "cannot be less than four miles in breadth. The river does not occupy the centre, but inclines to either side, according to its windings ; and thus the flats are of greater or less extent, according to the distance of the river from the base of the hills. It is to be remarked that the bottom of the valley is extremely level, and extensively covered with reeds. From the latter circumstance, one would be led to infer that these flats are subject to overflow ; and no doubt can exist as to the fact of their being, at least partially, if not wholly, under water at times."—

“ If the valley of the Murray is not subject to flood, it has only recently gained a height above the influence of the river, and still retains all the character of flooded land. In either case, however, it contains land that is of the very richest kind—soil that is the pure accumulation of vegetable matter, and is as black as ebony. If its hundreds of thousands of acres were practically available, I should not hesitate to pronounce it one of the richest spots of equal extent on earth, and highly favoured in other respects. How far it is available remains to be proved ; and an opinion upon either side would be hazardous, although that of its liability to flood would, most probably, be nearest to truth.”—“ I would, however, observe, that there are many parts of the valley decidedly above the reach of flood.” *

As the portion of the southern coast of the Australian continent, which includes Spencer's and St. Vincent's gulfs, two very deep indentations of the land from the Great Southern Ocean, together with the Lake Alexan-

* Captain Sturt seems to have forgotten that one of the most fertile, most populous, and earliest settled tracts in New South Wales is subject to floods in a high degree—I allude to the valley of the Hawkesbury. The availableness of land in New South Wales does not depend on its being beyond the reach of inundations, as Captain Sturt appears to intimate: on the contrary, the small settler or agriculturist *prefers* land for the purposes of cultivation that is occasionally flooded, to forest-land beyond the reach of floods. On the other hand, it cannot be supposed that a river with so wide an embouchure as the Murray should inundate the level country on its banks to any great depth. The valley may be occasionally under water, but the floods cannot be at all comparable with those of the Hawkesbury, where the occasional occurrence of inundations is no obstacle whatever to the occupation and cultivation of the land formed by their deposits.

drina and the valley of the Murray in the lower part of its course, is now comprehended within the territory of the recently formed colony of Southern Australia, it is nothing less than justice to acknowledge that there is unquestionably no part of the Australian continent which affords so eligible a prospect for the establishment of an independent colony. The character of the country through which the river, supposed to be the Darling, winds its solitary way from the northward, is not yet fully ascertained, although Major Mitchell, the Surveyor-General of New South Wales, has recently traced that river for three hundred miles in a southerly direction beyond the point to which it had been previously traced by Captain Sturt, and was actually absent on an expedition to follow it down the remaining one hundred and thirty miles of its supposed course, to the point of its junction with the Murray, when I left the colony on the 29th of July last. The character of the country to the eastward along the banks of the Murray, above the junction of that river with the Morumbidgee, is equally unknown ; but there is reason to prognosticate favourably in both cases. At all events, the advantages likely to result to a colony established on the shores of the Lake Alexandrina, from the possession of so eligible a means of communication with the distant interior as would evidently be afforded by two navigable rivers, are too obvious to require enumeration. Those parts of the shores of the lake itself that have hitherto been examined have been ascertained to be well fitted for the residence of civilized man ; while the country intervening between the lake and the gulf of St. Vincent,

which it seems was partially examined by Captain Barker, is spoken of in the highest terms by the survivors of his party, as a country in every respect fitted by nature for the settlement and subsistence of a numerous population. "It would appear," says Captain Sturt, in reference to this part of the Australian continent, "that a spot has at length been found upon the south coast of New Holland, to which the colonist might venture with every prospect of success, and in whose valleys the exile might hope to build for himself and for his family a peaceful and prosperous home. All who have ever landed upon the eastern shore of St. Vincent's Gulf agree as to the richness of its soil and the abundance of its pasture. Indeed, if we cast our eyes upon the chart, and examine the natural features of the country behind Cape Jervis, we shall no longer wonder at its differing in soil and fertility from the low and sandy tracks that generally prevail along the shores of Australia.

"The country immediately behind Cape Jervis may, strictly speaking, be termed a promontory, bounded to the west by St. Vincent's Gulf, and to the east by the Lake Alexandrina and the sandy tract separating that basin from the sea. Supposing a line to be drawn from the parallel of $34^{\circ} 40'$ to the eastward, it will strike the Murray river about twenty-five miles above the head of the lake, and will clear the ranges of which Mount Lofty and Mount Barker are the respective terminations. This line will cut off a space, whose greatest breadth will be fifty-five miles, whose length from north to south will be seventy-five, and whose surface exceeds

seven millions of acres ;* from which if we deduct two millions for the unavailable hills, we shall have five millions of acres of land, of rich soil, upon which no scrub exists, and whose most distant points are accessible, through a level country on the one hand, and by water on the other.

“The only objection that can be raised to the occupation of this spot is the want of an available harbour : yet it admits of great doubt, whether the contiguity of Kangaroo Island to Cape Jervis, and the fact of its possessing a safe and commodious harbour, certainly at an available distance, does not in a great measure remove the objection. Certain it is, that no port, with the exception of that on the shores of which the capital of Australia is situated, offers half the convenience of this, although it be detached between three and four leagues from the main.”†

All who feel interested in the progress of geographical discovery in the Australian continent, will sympathize with Captain Sturt in his ardent desire that the recently discovered rivers may speedily be traced to their respective sources ; and all who feel interested in promoting the real welfare of the mother country, will coincide with that gentleman in wishing, that a portion of her superabundant, semi-pauper, agricultural population were speedily transformed into an industrious and contented peasantry, as they doubtless might be

* $75 \times 55 = 4125$ square miles. $4125 \times 640 = 2,630,000$ acres. Captain Sturt is evidently much better at exploring than at summing.

† “Two Expeditions into the Interior of Southern Australia, &c. By Captain Sturt,” vol. II. p. 247.

with little difficulty on the shores of Southern Australia. The prosperity of that embryo colony can in no way interfere with that of New South Wales: on the contrary, it will open an eligible market for the superabundant agricultural and grazing stock of the older settlement, as well as for its grain and dairy produce, for years to come.

I cannot bring this imperfect sketch of Australian discovery during the administration of Sir Ralph Darling to a close, without adding a single remark in reference to Captain Sturt himself. That officer has doubtless merited well of the colony of New South Wales, not only for the important discoveries he has effected in the interior of the continent of Australia, but for the skill and judiciousness with which he conducted the two expeditions under his command, in the perilous and trying service in which he was engaged. For not only did he bring back the whole of his party on both occasions without losing a man; but his intercourse with the numerous and sometimes troublesome and even hostile natives, with whom he came in frequent and dangerous contact in the course of his last expedition, was uniformly managed without bloodshed.

CHAPTER VIII.

VIEW OF THE PRESENT STATE OF THE COLONY
UNDER THE GOVERNMENT OF MAJOR-GENERAL
SIR RICHARD BOURKE, K.C.B.

Justum tenacemque propositi virum.

HORACE.

Strictly just, but somewhat tenacious.

I WAS walking with my late brother, Mr. George Lang, on the bank of the Parramatta river one beautiful evening in the year 1824, when the late Bungary, chief of the Sydney tribe of black natives, was pulling down the river, in a boat which he had received as a present from the Governor, with his two jins or wives. My brother accosted Bungary on his coming up with us, and the good-natured chief immediately desired his jins to rest upon their oars. During the short conversation that ensued, my brother requested Bungary to show us how Governor Macquarie made a bow: Bungary happened to be dressed at the time in the old uniform of a military officer; and accordingly, standing up in the stern of his boat, and taking off his cocked hat with the requisite punctilio, he made a low formal bow with all the dignity and grace of a general officer of the old

school. My brother then requested him to show us how Governor Brisbane made a bow ; to which Bungary very properly replied in broken English, “ ’top, ’top ; *bail** me do it that yet ; ’top nudda Gubbana come.” In short, Bungary could exhibit the peculiar manner of every Governor he had seen in the colony ; but he held it a point of honour never to exhibit the reigning Governor.

In conformity to this prudent maxim of Australian aboriginal policy, I might now bring my series of historical sketches to a close, leaving to some future colonial historian the task of exhibiting an outline of the administration of Major-General Sir Richard Bourke, the present Governor of New South Wales. But, as it was my intention, on commencing these sketches, to afford the reader a general view of the present state of the colony, which of course cannot be done without adverting to various important acts of His Excellency’s government, I shall proceed forthwith to fulfil that intention ; and I trust I shall be enabled to do so in the same spirit of candour and impartial justice which I am conscious I have hitherto maintained. In what I have already written, I have not been restrained from telling what may possibly prove disagreeable truths, by the fear of giving offence in any quarter : I trust, that in what remains to be written, I shall not be chargeable with the meanness of adulation.

Major-General Sir Richard Bourke, K.C.B., the eighth Governor of New South Wales, arrived in the

* *Bail* is a particle of negation in the language of the Aborigines.

colony on the 2nd of December, 1831; Colonel (now Sir Patrick) Lindesay, of His Majesty's 39th regiment, now in India, having discharged the duties of Acting-Governor during the interval that had elapsed after General Darling left the colony.

Sir Richard Bourke was originally educated for the law, but afterwards embraced the profession of arms. Of a capacious mind, and of superior intellectual acquirements, he is evidently capable of the most comprehensive views in matters of state-policy and civil government, though perhaps somewhat indisposed to the technicalities of practical detail. His despatch to the Secretary of State for the Colonies, on the state of education and religion in New South Wales, to which I shall have occasion to allude more particularly in the sequel, is a masterly performance; and the policy to which it has already led, will, in these important particulars at least, eventually revolutionize the colony.

Sir Richard Bourke commenced his administration under the happiest auspices. The unpopularity of his predecessor, especially towards the close of his government, had disposed the colonists of all classes to welcome the new Governor with enthusiasm, and to put the most favourable construction on his general policy: besides, at the period of his arrival, the colony was rapidly recovering from the effects of a drought of unprecedented duration and unexampled severity, which, aggravated, as it had been, by a state of general and extreme depression, arising from the prodigious depreciation of property of every description, had for a time completely paralysed the energies of the community;

and the colonists were consequently prepared to exert their energies again to the utmost, for the accomplishment of whatever object their circumstances should point out to them, as of peculiar importance, and in whatever direction a vigorous administration should lead the way.

Commencing his government in these favourable circumstances, Sir Richard Bourke exhibited at his outset in the colony much of the vigour and the firmness of Governor Macquarie. The importance of a combination of such qualities, on the part of a ruler, to the general prosperity and the rapid advancement of a young colony, is incalculable. In short, in the case of a man in authority evincing these high qualities of mind, as compared with the man of feeble and irresolute character; there is all the difference that there is in the case of a time-piece, when its main-spring is possessed on the one hand of the requisite strength and elasticity, and when it is neither strong nor elastic enough on the other to overcome the resistance of the inferior machinery. To continue the metaphor, the colonial time-piece was evidently a great deal too slow when Governor Bourke arrived in the colony: no sooner, however, was its regulator touched, even in the gentlest manner, than its rapidly accelerated movement became generally apparent.

The commencement of Sir Richard Bourke's administration was also peculiarly auspicious from the favourable circumstances in which he had been placed by the Home Government, in regard to the disposal of Crown land. All the former Governors of New South Wales had been empowered to grant portions of unlocated

Crown land to private individuals—under certain specific restrictions, it is true ; but in reality according to their own private judgment, and virtually without any limitation. It cannot be supposed that so important a prerogative could be exercised in many cases, without giving great offence in particular quarters : charges of partiality or of injustice were accordingly urged against the Governors of the colony without intermission ; for every person naturally thought himself fully entitled to the same extent of land, as any other inhabitant of the colony, in similar circumstances, had obtained from the government. An entirely new system, however, was introduced, by order of His Majesty's Government, in the year 1831, in regard to the alienation of Crown land in the colony ; the Governor being no longer authorized to grant land in any quantity or to any person whatever, except for schools, churches, glebes, or other public purposes. The only mode of alienating Crown lands at present authorized by Government is by sale at a public auction ; but no land of this description is sold unless previously applied for by an intending purchaser ; and that purchaser's intention to bid for a particular tract must always be duly notified in the Government Gazette, three months before the day of sale, excepting in the case of a recently arrived emigrant, when one month's notice is held sufficient. A minimum price for building allotments in Sydney and the other towns of the colony is fixed by the Surveyor-General ; the minimum price of five shillings an acre being fixed by the Home Government for all the other land in the territory.

Different opinions may doubtless be entertained by

persons differently situated, in regard to the operation and effect of these important regulations in other respects ; I am happy to state, however, that there is no difference of opinion in New South Wales in regard to their highly beneficial operation, in relieving the colonial government on the one hand of a load of most invidious responsibility, and in depriving the disappointed or the discontented of a fruitful source of dissatisfaction on the other.

I have already mentioned that one of the earliest acts of the present Governor's administration was to break off all connexion on the part of the government with the colonial press. This was an act of which the policy was evident and unquestionable, and of which the colony has experienced the beneficial effects. The patronage which the colonial government had previously afforded the Sydney Gazette had naturally been regarded with no small degree of envy by the editors of the other colonial journals ; and it not only enabled the latter to designate that paper, as they generally did, with some show of justice, *the paid official*, but to identify the government with all the sentiments it promulgated. So long as this patronage was afforded, there was *matériel* enough in the colony for the construction of a systematic opposition to all the measures of government, antecedently to the supposed discovery of any thing mischievous or oppressive in these measures themselves ; and it only required the government to make one decidedly false step, or the government paper to give utterance to some exceptionable sentiment or some ill-timed adulation, to justify the editors of the

other papers, in their own estimation, and in that of all their adherents, in affixing their heavy drag to the wheels of the colonial state-carriage, and in ever afterwards keeping it there with the utmost pertinacity, whether the horses were toiling up the hill or galloping furiously down. In depriving the Sydney Gazette, therefore, of the patronage of government, and in uniformly leaving the measures of his administration to speak for themselves, Sir Richard Bourke has not only removed an apple of discord from the busy arena of colonial politics, but consulted his own peace of mind, and effectually promoted the general tranquillity of the colony. Nay, I am fully persuaded, that if Sir Ralph Darling had only pursued a similar course, he would have saved himself a world of annoyance, and his government would never have been distinguished in the annals of the colony by an *era of libels*.

It would be uninteresting to the general reader to have a list of the acts of Sir Richard Bourke's administration submitted to his inspection. In most of these acts His Excellency has been rather passive than active ; doing merely what would have been done perhaps equally well by any man of intelligence in the situation he holds ; or, in other words, doing merely what the progressive advancement of the colony and the state of its anomalous society rendered necessary to be done. Indeed, the rapid progress and extension of the colony of New South Wales will render the personal character of the Governor,—especially if the colonists should succeed in obtaining what is now so much desired by all classes, I mean a share in the ad-

ministration of their own public affairs—a matter of less importance to its future welfare every day ; insomuch, that the stream of its history, ever widening and deepening in its course, will in all likelihood continue to flow for the future with but little reference to the Governor at all. At the same time, there are certain acts of Sir Richard Bourke's administration which are not only peculiarly important in themselves, as they affect the interests of the colonists generally ; but of so peculiar an aspect, as to stamp His Excellency's character both as a Governor and as a man ; while there are others which cannot fail to make a deep and salutary impression on the whole colonial community,—an impression which I trust will never be effaced. The acts I allude to are those especially that relate to the distribution and coercion of the convict population ; to the constitution or composition of courts of justice ; to the encouragement of immigration in accordance with the principle of the recently established land regulations ; to the constitution of the civil government of the colony ; and to the promotion of general education and efficient religious instruction throughout the territory. On certain of these measures I shall make a few explanatory remarks in the course of this chapter ; leaving the others for more particular discussion in the succeeding chapters of these volumes.

Shortly after His Excellency's arrival in the colony, he was given to understand, and ascertained on examination, that the punishments awarded by the colonial benches of magistrates, in the cases of convict servants accused of minor offences by their masters, were ex-

ceedingly unequal, as compared with each other, and in many cases disproportioned to the offences committed, and unnecessarily severe. To establish something like uniformity, therefore, in the decisions of the colonial magistrates, and to afford the requisite protection to the convict, Sir Richard Bourke procured the enactment of a colonial law by the legislative council of the colony, restraining magistrates in petty sessions assembled from the infliction of more than fifty lashes for any one offence. Now, considering the lash as a thoroughly degrading and brutalizing species of punishment,* and knowing, as I do, that on the best-managed estates in the colony it is a punishment which is scarcely ever required, I should not have been disposed to regard the *Magistrates' or Fifty-lashes Act* as a serious offence on the part of the Governor; on the contrary, I should rather have regarded it as highly creditable to His Excellency's sense of justice and to his enlightened humanity.

This famous act, however, was regarded with far different feelings by certain of the colonial proprietors, and especially by certain Tory relicts of General Darling's administration, who had been accustomed to a much more liberal application of the *Russian ultimatum*, and whom, perhaps, it also grieved to the heart to find Whig principles at length predominant in the councils of the colony. The hue and cry of ill-judged lenity on the part of the Governor, and of general insubordination on the part of the convicts,—nay, of impending anarchy and

* It was regarded as an infamous punishment under the Roman law, and was not allowed to be inflicted under any circumstances on Roman citizens.

insurrection throughout the territory—was accordingly raised against the Governor; and petitions for increased power to inflict summary punishment were signed and transmitted to England by various colonial proprietors, who, to my own certain knowledge, had never expended one solitary farthing for the religious instruction of their numerous convict servants! It was not civil and religious liberty—that pearl of inestimable price in the eyes of our forefathers in the earlier days of emigration to America—for which these Australian worthies petitioned; it was for a somewhat different species of liberty, *the liberty to lash*; and long and deep were the groans they uttered, through their favourite organ, the “Sydney Herald,” when they found it denied them.

Previous to Sir Richard Bourke’s arrival, the assignment of convict servants had, in one way or other, proved a source of patronage to the colonial government, or at all events to persons connected with it. The Assignment Board established by General Darling had partly corrected this abuse, and in some measure equalized the distribution of the convicts among the settlers; but there were still ways and means of getting more than one was entitled to, or than other people equally deserving could obtain, during General Darling’s administration, notwithstanding that board; and the fact was notorious in the colony. As a statement, however, to this effect, contained in the first edition of this work, was called in question at the time of its publication, I deem it necessary to relate the following

incident, as illustrative of the accordance of that statement with my own experience and observation.

As I was travelling on one occasion in the discharge of clerical duty in the interior of the colony, during Sir Ralph Darling's administration, I happened to call at the cottage of a respectable settler, a magistrate of the territory, who I found was building a remarkably substantial two-story brick house on his estate at the time. He asked me to look at the house, which was beautifully situated on a rising ground, commanding a wide extent of champaign country; and I accordingly did so before resuming my journey. In pointing out its various advantages, the settler informed me that the brickmaking and bricklaying operations, the carpentry and joinery work, the plastering and shingling, and, if I am not greatly mistaken, the cabinet-maker's and upholstery work, had all been done by his own assigned convict servants. I happened to mention the circumstance in the course of conversation with the next settler I called on a few miles off, without suspecting however that there was any peculiarity in the case; when the settler observed to me, not without a slight display of indignant feeling, that he had been applying for a convict mechanic himself for years, but had been unable to obtain one, although he had done much more for the district than his more fortunate neighbour. The first settler was the friend of a colonial functionary of some influence at the time; and I could not fail to observe, that he was always particularly active in his district whenever addresses were to be moved to General Darling. The second settler, who

was also a magistrate of the territory, was merely a man of independence, who was accustomed to think and act for himself.

To put an end to every thing like favouritism in this department of the public service, and to equalize the distribution of the convicts, Sir Richard Bourke established a code of regulations for the assignment of convict servants, agreeably to which the number of convicts assignable to any applicant was to depend on the extent of land he held, and especially of land in cultivation ; certain subordinate regulations being established in favour of reputable persons cultivating small farms, and convict mechanics of certain handicrafts being estimated as equivalent to two or three common labourers each. The equity and impartiality of this arrangement were so apparent, that it was scarcely possible to find exceptions against it : it was complained of, however, by the same parties who had complained of the Magistrates' Act, because forsooth the new regulations prohibited the assignment of more than seventy convicts to any one proprietor ! It was surely a sufficient number to consign to the blackness of moral darkness and to spiritual death, in the service of men who had never expended one solitary farthing in promoting their moral and spiritual welfare !

It is the opinion of the present Governor, expressed in a despatch to the Secretary of State for the Colonies, printed by order of the House of Commons, that it would be greatly for the benefit of the free settlers in New South Wales to dispense with convict labour altogether. In accordance with His Excellency's de-

clared sentiments on this subject, I am decidedly of opinion that the whole system of assignment in that colony should forthwith be discontinued; there being great and intolerable evils necessarily connected with its continuance, and the Colonial Government having abundant means of employing the convicts, without entailing any additional expense on the mother country in a less exceptionable way. But as I have discussed that question at great length in a separate publication,* I shall only observe, in taking leave of the subject, that so long as His Majesty's Government choose to continue the transportation of convicts on its present footing, Sir Richard Bourke's assignment regulations † will be found in the highest degree equitable in themselves and beneficial to the colonists.

From the peculiar constitution of society in New South Wales, there has been a yearly increasing number of free persons in the colony during the last twenty years, who had arrived in the territory as convicts, but whose respective sentences of transportation have expired; and it has for several years past been a question much agitated in the colony, how far these persons, together with those who have obtained absolute or conditional pardons, are to be considered as restored to the rights and privileges of free subjects, and particularly whether they are eligible to act in the capacity of jury-

* "Transportation and Colonization; or, the Causes of the Comparative Failure of the Transportation System in the Australian Colonies; with suggestions for ensuring its future efficiency in subserviency to extensive colonization." London, 1837.

† See Appendix, No. 9. for a copy of these Regulations.

men. The emancipists, as they are usually styled in the colony, claim this privilege themselves as a matter of right; chiefly, however, from having been taught and incited to do so by certain news-writers of their own class and origin, as well as by certain lawyers of inferior respectability, who depend chiefly on emancipist and convict practice, and who willingly pursue the arts of petty agitation to acquire an importance in society, which they have no other means of attaining. It is not to be denied, however, that there are men of higher standing in the colony, but chiefly of that class of persons to whom the praise and the popularity of political liberalism are objects of importance, who advocate the claims of the emancipists, and who especially maintain their eligibility to act as jurymen.

It is scarcely to be supposed that Sir Richard Bourke could have been enabled from his own personal experience and observation, during the first eighteen months of his residence in New South Wales, to decide on a subject of such vital interest to all classes of the inhabitants of the colony, and it is doubtless to be regretted that he seems to have derived his information on that subject chiefly from one source. At all events, a law was proposed by His Excellency to the legislative council, and subsequently passed by that body during the sessions of 1833, declaring emancipists qualified to serve on criminal juries, *provided they possessed £30 of yearly income, or personal property to the amount of £300.**

* They had been rendered eligible to serve on civil juries by a previous enactment.

In regard to the question of law involved in this matter there could be no doubt. A letter had been addressed on the subject during the sessions of the legislative council, to the three Judges of the Supreme Court; to which the following is a copy of their reply:—

Copy of a Letter from their Honours the Judges of the Supreme Court to the Colonial Secretary.

“ Sydney, August 8, 1833.

“ Sir,

“ In accordance with the request of His Excellency the Governor, we have the honour to communicate to you our opinion on the subject referred to us for the information of the Legislative Council, and contained in your letter to us of the 7th instant.

“ We are of opinion, that by the statute 6 Geo. IV. cap. 50. sec. 3. any person (not under outlawry or excommunication) who hath been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, and hath obtained a *free pardon*, would be holden qualified to serve on juries in England.

“ We are further of opinion, that since the passing of the statute 6 Geo. IV. cap. 50. the law has been so far altered in this respect by three subsequent statutes, viz. the 7 and 8 Geo. IV. cap. 28. the 9 Geo. IV. cap. 32. and the 9 Geo. IV. cap. 83. that the following persons, who have been convicted of a felony or transportable offence, would now be holden qualified to serve on juries in England, in addition to those who, having been so convicted, have obtained a free pardon; viz.

“ First. By statute 7 and 8 Geo. IV. cap. 28. sec. 13. any offender convicted of *felony punishable with death, or otherwise*, to whom His Majesty hath been or shall be pleased to extend his royal mercy, and by warrant under the royal sign manual, countersigned by one of His Majesty's Principal Secretaries of State, hath granted or shall grant to such offender a conditional pardon, and the condition has been performed.

“ Secondly. Any offender convicted of *felony not punishable with death*, who hath or shall have endured the punishment adjudged for the same.

“ Thirdly. By statute 9 Geo. IV. cap. 83. sec. 32. any transported felon or offender, whose term of transportation hath, *before January 1, 1824*, been remitted by any Governor of New South Wales, in manner

directed by the statute, such remission having also been ratified by His Majesty as therein mentioned.

“ Fourthly. We are of opinion, that all persons, who having been convicted of any transportable offence, not being *felony*, or *such crime as is accounted in law infamous*, have received an absolute pardon or a conditional pardon, and have performed the condition, or who have endured the punishment for the same, would be holden qualified.

“ Because such offences create no disqualification, but only incapacitate the offender so long as he is deprived of his liberty.

“ We are further of opinion, that persons who have been convicted of perjury under the statute 5 Eliz. cap. 14. can by no means, but by Act of Parliament, be so restored to their civil capacities as to be qualified to serve on juries in England.

“ Secondly. That persons who have been convicted of *such transportable offences as are in law accounted infamous*, as perjury at common law, subornation of perjury, and forgery in some cases, and have not received a free pardon, would not now be holden qualified to serve on juries in England.

“ Thirdly. That persons who have been convicted of such offences as are below the degree of felony, and are *not transportable offences*, but yet are in law accounted infamous, as persons convicted of conspiracy to accuse another of a capital offence, or of any other species of the *crimen falsi*, would not now be holden qualified to serve on juries in England.

“ We have the honour to be, &c. &c.

(Signed)

FRANCIS FORBES, Chief Justice.

JAMES DOWLING.

W. W. BURTON.”

Notwithstanding the absence of the Archdeacon and Mr. Robert Campbell, sen., two members of the legislative council who were decidedly opposed to the measure in question, there were still six of the members of that body opposed to it on its being put to the vote: but the Governor, and five members who adhered to him, having voted in its favour, His Excellency decided the matter in a way, which, for aught I know to the contrary, may be defensible; viz. by giving a *second* or

casting vote, by which it forthwith became the law of the land.

Previous to the session of the legislative council for 1836, a second letter was addressed by the colonial government to the three judges, desiring their opinion on the working of the jury law; in reply to which, two of them, viz. the Chief Justice and Mr. Justice Dowling expressed themselves, though by no means warmly, in favour of its operation; while Mr. Justice Burton expressed himself decidedly against it. As it is the province of a judge, however, rather to determine what is law than what *ought to be* law, agreeably to the maxim, *ad quæstionem legis respondent judices*, it may not be improper to make a few observations on the subject, as it is one of vital importance to the colony of New South Wales, as well as in relation to the future efficiency of the transportation system.

Taking it for granted, therefore, that there was nothing in the laws of England to prevent a person who had been convicted of felony, and had afterwards served out his sentence of transportation, or received a pardon, from sitting on a jury in Great Britain or Ireland, the question is, Was it either right or expedient to extend the law of England in this particular to New South Wales? or, in other words, to declare all emancipated convicts, possessing a certain money-qualification in that money-making colony, eligible to act as jurors? It appears to me, that it was neither right nor expedient to do so.

First. Because the circumstances of the colony of New South Wales are totally different from those of England in regard to this particular. The case of a person who had

been convicted of felony sitting on a jury in England, after having suffered the punishment awarded by the law for his particular offence, is one certainly which *may* occur, but of which the occurrence is extremely improbable. Besides, on the supposition of its occurring in a particular case, and of the fact being notorious at the time to all parties concerned, the emancipated convict juror would have no influence whatever in swaying the other jurors, or in determining the issue. In New South Wales, however, the probability is, that at least one half of the jurors, in cases of alleged felonies and misdemeanours, will consist of persons of this class, and that the administration of justice will consequently be open to much suspicion ; persons of the class of emancipated convicts being, it must necessarily be supposed, much more likely to be swayed by motives of favour or of interest, than persons of previously unblemished character : for,

Secondly. There is an *esprit de corps* generated among all particular classes or bodies of men, who are remarkably distinguished from the rest of the community to which they belong, either by their profession or by their moral practice ; and this *esprit de corps* will necessarily interfere with the administration of justice in all cases in which individuals of their particular classes are concerned, their associates or companions being judges. It would be vain, for example, to expect justice from a jury of common soldiers in any case of alleged injury committed by soldiers on private citizens, unless, perhaps, the evidence were so clear as to render a verdict of acquittal tantamount to downright perjury. *A fortiori*, therefore, justice is not to be expected from a

jury consisting chiefly of emancipated convicts, in any case in which individuals of the class to which they either do or did belong, are concerned. The very best feelings of human nature are against the supposition. If, for instance, I have been myself tried for a capital offence, and have escaped with a minor punishment through some legal chicanery, or some stretch on the part of an ill-informed or over-scrupulous jury, I shall necessarily feel strongly disposed to acquit any person who stands before me as a jurymen in somewhat similar circumstances to those in which I once stood myself, and whose life is virtually at my disposal; I shall necessarily feel this disposition independently of my oath: and provided it is only strong enough, I shall feel myself constrained to act upon it, and thereby to commit an act of grievous injustice to the community.

The following illustration of the actual operation of the principles and feelings I have alluded to, occurs in the letter of Judge Burton to the Colonial Secretary, of date April 30th, 1836, on the working of the present jury system of New South Wales:—

“An instance of this occurred in a case where a young man, a native of the colony, was tried before me, and a verdict of acquittal was returned, which might be considered unsatisfactory to a by-stander; but where no predisposition amongst the jury, in favour of the prisoner, was manifested in court, and I suspected none. I was afterwards informed by a highly respectable and credible gentleman, a married man, and father of a family, who was one of the jury, that such did nevertheless exist, and actually caused the acquittal in

question. The jury retired to consider their verdict; and my informant entered the retiring-room about the third or fourth, and found one of the jury, who had already entered, lying on the table, on his back, with his arms folded, who said, 'Well, my mind is made up;' another followed, and immediately lay down on the floor, saying, 'My mind is made up;' and when all got into the room, the jury were talking about indifferent matters concerning their own business for about twenty minutes, when the foreman called their attention to the case, and said, 'Come, gentlemen, let us to business;' when they repeated, 'Their minds were made up;' one giving as his reason, that he had known the boy's father for many years—another, that he had known the boy's mother for many years—and a third, that he had known the boy from a child. Three of the jury, including the foreman, were of opinion that the prisoner was guilty; and nine, of whom three were certainly convicted persons, for acquittal; the remaining six appearing to be led in their opinion by two of those three: but from their conversation during the time they were confined together, it appeared to my informant that the whole nine persons were of that class; and it farther appeared to him, that they were predetermined to acquit the prisoner, right or wrong."

Thirdly. Because the crime most frequently committed in New South Wales being cattle-stealing, and because persons who commit this crime being frequently able, through their previous and successful iniquity, to practise all the arts of bribery and corruption, the appointment of emancipated convicts as jurymen, in

criminal cases, is nothing more nor less than a direct encouragement and incentive to the practice of these nefarious arts, and a sure means of lowering the standard of morals, as well as of rendering all property in agricultural and grazing stock, which in great measure constitutes the wealth of the colony, more and more insecure throughout the territory. Mr. Justice Burton particularly alludes in his letter to the number of publicans appointed to serve on juries throughout the colony. These persons are chiefly of the class of emancipated convicts, and are not unfrequently of the lowest grade in society; and connected as they are in the way of their business with the whole class of unconvicted cattle-stealers, whose usual place of resort is the public-house, it is dangerous in the highest degree to the community to entrust the administration of justice to their polluted hands. In the list of qualified jurors for the county of Cumberland, in New South Wales, for the year 1835, there were no fewer than two hundred and three publicans out of nine hundred and fifty-three; and as a much larger proportion of this class of persons actually serves on juries than of other classes of inhabitants, the amount of work they have to perform in the dealing out of justice, forsooth, to the Australian public, is by no means inconsiderable. In panels of thirty-six and forty-eight persons respectively, of whom only twenty-six and thirty-one persons actually appeared or served, there were no fewer than eight publicans in the one case, and ten in the other; that is, every third person liable to be called on to try any particular case of cattle-stealing was a publican—a man, who, in all probability, lived

upon the custom of such persons as the cattle-stealer! Nay,—for this is not the whole of the enormity of the system,—the cattle-stealer's lawyer, who is a very shrewd fellow, and who, in order to attract as much of this sort of practice as possible, has given out "*that he, for one, will make no distinction between the free and the freed,*" challenges every reputable person on the list who he has reason to fear will not acquit his client, till he obtains a jury for him to his mind!

"If a prisoner has professional assistance in his defence," observes Mr. Justice Burton in his letter above-quoted, "this right of challenge is very freely exercised. In one instance I observed gentlemen of such character and respectability thus peremptorily rejected on the part of a prisoner, that I took the liberty of asking some of them afterwards if the prisoner were known to them; and was answered that he was not: the conclusion in my own mind was, that they were challenged on account of their respectability. In another case before me, every person of apparent respectability who was called, was peremptorily challenged on the part of the prisoner, which, the Crown officer observing, challenged all the others; and the case remained over for default of jurors. In both cases the accused had professional assistance."

Finally, there is no necessity whatever for having recourse to so suspicious a mode of administering justice in New South Wales any more than in England.

"I have no doubt," says Mr. Justice Burton, "from all I have seen and known of the resources of this colony in the number of its respectable inhabitants, that there

are abundance for the establishment of the jury system here, upon a basis which must command the respect and confidence of all classes; and I know no reason why juries in New South Wales should not and cannot be constituted of men equally *omni exceptione majores* as in any country in the world; but I know many reasons why they should be so constituted here more especially than in any other, if (which, however, I do not admit) that principle can any where be departed from, and the administration of justice committed to other hands."

The number of reputable free emigrants is now very considerable in New South Wales, and will rapidly increase for the future, through the measures that are now in progress in the colony, for the encouragement and promotion of immigration. The plea of necessity therefore cannot be allowed for having recourse to such jurymen as emancipated convicts are likely to make in the great majority of criminal cases in New South Wales. In his letter to the colonial government on the working of such juries, the Chief Justice, with whom the measure is commonly understood to have originated, acknowledges that "there have certainly been from time to time improper persons impanelled on these juries;" but maintains that "the fault is not in the law, for *the jury law of the colony is in principle the same as the jury law in England*: it is attributable to the neglect of those persons, to whom the care of returning persons properly qualified has been committed." I have shown, however, that the cases of England and of New South Wales are by no means parallel, and

that the error committed by the colonial legislature, at His Honour's suggestion, is an error *in point of principle*, to be charged against the law-makers ; and not a mere error of *practice*, to be charged upon the law-administrators. I would suggest, however, as a matter of grave consideration to those who coincide with His Honour in this ultra-liberal opinion, whether, on the principle of the law of England, that *a man shall be tried by his peers*, a man who has been convicted of a felony and has suffered the punishment of the law, is to be considered as *the peer* of a man who has never been so convicted, and who stands upon his trial with a previously unblemished character, for the first time. For my own part, I confess that I utterly abhor all such *colonial peerage*.

Why, if the emancipated convict juror is not *the peer* of the free emigrant or native of the colony who stands before him on his trial for an alleged felony or misdemeanour, is it not clearly the interest of such a juror *to make* the prisoner *his peer*, by giving him the benefit of a conviction, and by thereby reducing him to his own original level in colonial society ? Such sentiments, I acknowledge, imply a low opinion of human nature ; but such an opinion, I am sorry to add, is the one which experience and observation coincide with divine revelation in inducing us to form.

The Chief Justice concludes the letter I allude to by intimating his belief that “ the objections which are felt to this constitutional form of trial are partly political.” For my own part, I disavow all political feeling on the subject ; which, I conceive, is one on

which the honest tory, the honest whig, and the honest radical will all think alike. As a proof of the identity of the *moral* feeling of honest men of all parties on this subject, let the reader peruse the following extract of a speech, in favour of universal suffrage, delivered by the late Mr. Cobbett, at Preston, as reported in the "Morning Herald" of the 20th of May, 1826:—"Let every man come to age have a vote—every man who is not incapacitated by infirmity—every man who is not a criminal, *who has not been a felon*;—every innocent man in the community is entitled to vote at elections."

Mr. Cobbett could not surely be accused of a want of liberality in his politics; on the contrary, he was a radical of the highest caste; and yet, by his own showing, he would not have allowed any *man who had been a felon* to vote at elections, that is, to be one perhaps of a hundred thousand persons entrusted to vote for a member of parliament for some great city or county. Is it conceivable, then, that he would have allowed a man of this description to occupy the far more important and far more deeply responsible situation of a juryman, i.e. to be one of twelve persons entrusted with the life or the liberty or the reputation of a fellow subject? "The execution of the laws," says President Jefferson, another radical of as high a form as Cobbett, "is of more importance than the making them." *

I suspect, however, that the political feeling to which the Chief Justice alludes, is chiefly on the other side,

* Jefferson's letter to M. l'Abbé Arnond, "Memoirs and Correspondence," vol. III. p. 9.

and that it is mainly to an overweening desire to be *ultra-liberal* that the enactment of the present colonial jury law is to be ascribed.

I may remark in passing, that however much trial by jury may be thought of in England, I have no hesitation in expressing my opinion that there has been a great deal too much of it in New South Wales ; and that it would have been much more conducive to the administration of justice and to the moral welfare of the whole community, had a large proportion of the criminal cases that have occupied the attention of colonial judges and juries, and filled the pockets of colonial barristers and attorneys, been disposed of, as they ought decidedly to have been, by courts of summary jurisdiction. To entail an enormously expensive establishment of three judges, with all the other paraphernalia which such an establishment implies, besides a Court of Quarter Sessions, on a colony of not more than eighty thousand inhabitants, including convicts ;—that men who have been found guilty of felony in England, and been transported, perhaps for life, may have it in their power to avail themselves of all the legal chicanery, of all the bribery and corruption, of all the perjury and subornation of perjury, that a convict colony can enable them to make use of to escape the punishment justly due to them for fresh crimes committed in that colony ;—is a state of things so absolutely monstrous, that it can only be tolerated so long as the respectable inhabitants of New South Wales are precluded from exercising any control over the expenditure of those funds which they contribute so liberally

to the public treasury of the colony, and which are annually appropriated for the maintenance of expensive establishments, which, under the pretence of dispensing justice, are in fact demoralizing the community. Let the free emigrant and the native of the colony by all means have every advantage which the law of England secures to the free subjects of the realm ; but let the man who arrives in the colony in the character of a convicted and transported felon be tried, when accused of fresh crimes or misdemeanours in the colony, by a Court of Quarter Sessions, in the way of summary jurisdiction. The uniform impression on the part of judges in the mother country, at least in Scotland, is, that the convict who commits fresh crimes in New South Wales is uniformly treated in a very summary manner ; and the general prevalence of this impression implies that it is the general opinion that it is just and right that he should. There is no opinion, however, more completely unfounded : the criminal who can command a little money in New South Wales has chances of escape which he could never have in England, and these chances are only multiplied by the very means that are used by the Government to provide justice for all.

A single glance at the result of the criminal prosecutions in the colony before the Supreme Court and the Courts of Quarter Sessions, for the year 1835, will satisfy the reader of the truth of these remarks. The number of prisoners tried before the Supreme Court, during that year, was 398, of whom only 228, that is, little more than one half, were convicted ; viz., 124 by

civil, and 104 by military juries ; for, in addition to all his other chances of escape, the prisoner in New South Wales has the liberty of choosing what sort of jury he shall be tried by ! The number of persons tried during the same period before the Courts of General Quarter Sessions was 1155 ; viz., 856 by civil and military juries, and 299 in the way of summary jurisdiction. Of the 856 jury cases, the convictions amounted to 536, that is, to about five-eighths of the whole number ; whereas of the 299 cases of trial by summary jurisdiction, that is, before the Chairman or Judge of the Quarter Sessions and certain magistrates, the convictions amounted to 243, or to twenty-four twenty-ninths of the whole number. In all these cases the criminals tried are almost uniformly of the same class, while the evidence adduced is of a similar kind in them all and of similar value. But through the improper extension of trial by jury to cases in which it ought never to have been had recourse to, the chances of escape are only increased to the criminal in proportion to his criminality, and to the costliness and the elaborate character of the judicial machinery employed by the executive government to ensure the dispensation of justice to the community.

In connexion with the subject of judicial reform, which certainly calls for the speedy interference of the legislature in New South Wales, I shall briefly notice certain efforts that are now making by the colonists generally for obtaining a better *instrument of Government*, (to use an appropriate phrase of Oliver Cromwell) than has hitherto been accorded to that colony.

The *instrument of Government* in the colony of New South Wales is a legislative council of fifteen members, consisting of the Governor and seven officers of the Government, together with seven other members selected from amongst the respectable inhabitants of the colony, *exclusively by the Crown*. Now, antecedently to all such considerations as the extent of the population of the colony, the amount of its revenue, and the desirableness of having its affairs managed by able and efficient hands, it is morally impossible that a legislative body, *constituted in this manner*, should enjoy the confidence of a large and rapidly increasing commercial and agricultural community, however intelligent and well-intentioned its members may individually be. It is accordingly a fact universally admitted in New South Wales, that the Legislative Council of that colony possesses in no degree whatever the confidence of the community. In such circumstances, the very existence of such a body cannot fail to be a subject of serious grievance, and a source of perpetual dissatisfaction on the part of no inconsiderable portion of that community, in an age especially of liberal opinions and popular institutions; and it is surely not the policy of His Majesty's Government to allow such a grievance to exist, or such dissatisfaction to prevail, in a colony whose commerce is already so valuable to the mother country, as that of New South Wales already is to Great Britain.

If the reader should imagine that a Legislative Council, constituted in the manner I have described, is a sort of intermediate step between a Governor acting

entirely on his own judgment and his own responsibility, and a popular government appointed in some way or other by the community, he is altogether mistaken: it is more frequently a step farther from the enjoyment of those popular rights, that are so highly and so deservedly prized in the present age, than a step towards it. In the hands of a Governor like Sir Richard Bourke—a man, whose keen perception of right and wrong is accompanied with considerable energy of character and an evident desire to promote the welfare of all classes in the community—the characters, the interests, and the liberties of the colonists would be comparatively safe; for,

Nunquam libertas gratior exstat

Quam sub rege pio;

“liberty is never more agreeable to the subject than when enjoyed under the government of an absolute but virtuous ruler.” But the system of a legislative council is, in comparison with such a state of things, a change decidedly for the worse, inasmuch as it relieves the Governor of his personal responsibility—one of the best incentives to good conduct that can possibly be devised—and places that responsibility no where else, or, in other words, gets rid of it altogether. In short, of all forms of government, an irresponsible oligarchy, or, in other words, a legislative council, constituted like that of New South Wales, is unquestionably the worst in theory; and there are not wanting instances to demonstrate its being equally objectionable in practice. Nay, so thoroughly convinced of this political truth

were the Danish people, that, in order to deliver their country from the miserable oligarchy by which it was oppressed in the seventeenth century, they actually adopted the unheard-of procedure of making a voluntary surrender of their liberties into the hands of the sovereign, and constituted him by their own voluntary act a despotic monarch.

It is preposterous in the highest degree to talk of the independence of a body constituted like the legislative council of New South Wales. It is not in human nature for a man, who is either nominated or paid by the Government, to sit in judgment, with any thing approaching to a feeling of independence, on the measures proposed to him for his consideration and approval by that very authority to which he owes his political existence as a councillor, or his pay as an officer of the Crown.* He neither is nor can be a free agent, however he may persuade himself that he is so ; but the government officers in the Legislative Council of New South Wales are not so bereft of common sense as to have any such persuasion. They know well,—and if the fact is not strangely belied by common

* The late Attorney-General of New South Wales, on being referred to for his opinion on some matter of law, in which he shrewdly imagined the Government were likely to take some interest, instead of giving his opinion directly, asked the person consulting him, "Pray, do you know what the Governor thinks on the subject? He is an excellent lawyer." His Majesty's Attorney-General, who is a member of the Legislative Council, *ex officio*, rightly conceived that he had no right to hold an opinion on any subject of the kind till His Majesty's representative had declared his : and yet people will tell us that the Colonial Government is not an absolute government.

report, they have been given to understand,—under the present as well as under the past administration, that they hold their office as members of the Legislative Council to *vote for* the Government measures, and not to *discuss* them. In fact, the Tory device of a Governor and a Legislative Council, appointed, like that of New South Wales, by the Crown, is utterly unworthy of a Whig administration ; inasmuch as it is nothing more nor less than an ingenious device for investing a Governor, or perhaps the mere agent of a Secretary of State, with absolute power, and for concealing the fact of his possessing such power from the people he governs. In the former of these objects the device is completely successful, as it occasionally enables Governors to do what they would never attempt on their own responsibility : in regard to the latter, however, it is too gross to deceive any person ; and the colonists have therefore to make up their minds to live under an absolute government.*

Besides, the very mode of their appointment necessarily precludes the members of the Legislative Council of New South Wales from attempting any thing of importance for the real welfare of the country, or from acting, on occasions of emergency, with the requisite vigour

* It is somewhat singular that Governor Macquarie should have been so much opposed, as he appears to have been, to the appointment of a Council in New South Wales. “ I feel great satisfaction,” he observes in a letter to Earl Bathurst, of date June 28, 1813, “ at the determination of His Majesty’s Government in not acceding to the recommendation of the Select Committee of the House of Commons, in regard to the Governor of this colony being assisted by a Council. *I indulge a fond hope that this measure will never be resorted to in this colony.*”

and decision. For several years past there have constantly been accumulations of unappropriated revenue in the colonial treasury-chest of from £50,000 to £150,000. such accumulations are doubtless a serious grievance to the community, in a country in which money bears ten per cent interest, and in which public works of various kinds are in constant requisition for the general advancement of the colony; and they would certainly never have taken place under a popular government,—a government having confidence in itself and possessing the confidence of the public. In short, the Legislative Council of New South Wales is altogether destitute of that self-confidence which is requisite on occasions of emergency, and it will consequently lie as a dead weight on the energies of the country, and stand as a serious bar in the way of its prosperity and advancement so long as it exists.

A good Governor would have nothing to fear from a popular government in New South Wales. Indeed, I am confident there is no colony in the empire in which a Governor would be treated with greater liberality by any body representing the colonial community, or in which the measures he might propose for the general welfare would be received with greater deference. In fact, there is very little debateable land between the Governor and the colonists in New South Wales; and if the views and opinions of the latter, in regard to the public welfare, were only allowed expression, they would be found generally, if not uniformly, to coincide with those of the Government.

While it is thus universally admitted in New South

Wales that the Legislative Council of that colony possesses in no degree whatever the confidence of the community, it is decidedly the opinion of all intelligent persons in the colony, that nothing would tend more powerfully or more directly, than the establishment of some popular form of government in the colony, to develop its vast resources, to increase the number of the industrious and virtuous portion of its inhabitants, and prodigiously to accelerate the rate of its progressive advancement.

The population and produce, the trade and commerce, the revenue and expenditure of New South Wales sufficiently demonstrate the maturity of that colony for some popular form of government, and the inexpediency of any longer entrusting the entire management of its affairs to any one individual, as is virtually done at present, however able and honest that individual may be. I shall have occasion, in the course of the next chapter, to point out the actual state of the colony at the present moment, in reference to the different particulars I have just enumerated: at present, I shall only advert to the single item of revenue, which at present amounts to considerably upwards of a quarter of a million sterling; the colonial revenue having more than quadrupled itself during the last ten years. The annual appropriation of so large an amount of public money is surely too serious an affair to be entrusted to any one man; for as to the other members of the Legislative Council being a check upon the Governor, or as to their having any influence whatever in the appropriation of the colonial funds, the idea is

too preposterous to be entertained for a moment. Why, not one of these members can originate a single measure of importance without the Governor's express permission; and as to the government officers, who constitute so large a proportion of their whole number, it is as much as their situations are worth to oppose any measure that the Governor has proposed.

I should not perhaps have ventured to express myself so strongly on this subject, had I not felt assured that Sir Richard Bourke, as a genuine whig, coincides entirely in such sentiments, and has accordingly encouraged the colonists in their recent efforts to obtain a more popular form of government than they now enjoy; sincerely desirous, as His Excellency doubtless is, of carrying along with him the sentiments of the public, and feeling, as he cannot help doing, that the government, as at present constituted, possesses neither their confidence nor their respect. The efforts I allude to have been made by two different parties among the colonists, and directed towards the attainment of two different objects; the one party desiring that a Representative Legislature, or House of Assembly, should be constituted forthwith, and the elective franchise extended as widely as possible among all classes of the free population; the other desiring only an extension of the present Legislative Council, and an augmentation of its powers. The former of these parties of course comprises all the liberals of the colony, including the whole body of emancipists, with many free persons of questionable character and doubtful respectability: it is headed by Sir John Jamison and Mr.

Wentworth the barrister, and its approved organ is the Patriotic Association, a sort of colonial Rag-fair, attended by all the blustering attorneys of the colony.* The latter, of course, includes all the colonial tories, together with a large proportion of the other respectable inhabitants of the territory, who would doubtless more willingly subscribe themselves whigs, but who shrink with repugnance from the disreputable associations into which the other party would lead them, and who regard

* To withhold from a whole community what is manifestly their right is often a strong temptation to individuals of the *agitating* or *O'Connell* family, to do what is manifestly wrong. We have the honour of having a branch of this family in the colony; its members belong chiefly to the legal profession, and the inscription on their flag is *Lex Rex*, a motto which signifies in the Anglo-Australian dialect, *Let the chief authority be in the hands of the lawyers*. But how much soever such a consummation may be devoutly wished by certain gentlemen of the long robe in the colony, I believe all moderate men throughout the territory regard it as one supremely to be deprecated; for *e quovis ligno Mercurius fit*; i. e. "a blustering Australian lawyer, who has the liberties of the people always on his tongue, but nothing farther from his heart than their real welfare, may be manufactured out of a very indifferent piece of colonial timber." I should be sorry indeed to bring a sweeping charge against the legal profession of the colony, in which I am most happy to state that there are gentlemen, both on the Bench and at the Bar, who are not less honourably distinguished for their moral than they are for their intellectual pre-eminence: still, however, a regard to truth compels me to adopt the adage of the old Roman, *Cedant arma togæ*, or, in plain English, "The New South Wales corps, outrageously immoral as certain members of that body undoubtedly were, have individually done less to demoralize the colony than certain *patriotic* members of the colonial Bar." The *Lingua Franca* of modern patriotism may be learned, like certain improvements in the art of writing, *in three lessons*; and it has this peculiar excellence to recommend it besides; that it may be spoken loudly and fluently by men of any character, and with the *foulest tongue*.

with well-founded suspicion certain of the individuals who are permitted to assume the direction of its affairs.

For my own part, having, in accordance with my own views of clerical duty, attached myself to neither of these political parties—having never attended any of their meetings nor signed any of their petitions—I have no hesitation in declaring, as an unprejudiced spectator, that I entertain no fears for the general welfare and advancement of the colony, whether the people of the Patriotic Association on the one hand, or the petitioners for a mere extension of the colonial council on the other, should succeed with the Home Government in the attainment of their object. In the one case, supposing that authority should be given to constitute a colonial House of Assembly of fifty members, and that these members should be chosen by all free persons possessed of property in the colony, there is reason to believe that not more than three or four emancipists would find their way into the representation, while it is more than probable that not a single individual of that class would be elected. In short, I confess I should entertain no apprehensions from the extension of the legislative franchise to emancipated convicts possessed of property in the colony ; although, on the principle of President Jefferson, that “the execution of the laws is of more importance than the making them,” I should strongly object to the appointment of such persons as jurymen. And as the colonial press has recently exercised a moral influence previously unknown in the colony, I should consider that important engine, provided it were only well and honestly managed, sufficiently powerful

to make the members of a colonial legislature, constituted in the manner proposed, *keep their house in proper order*. On the other hand, supposing that in accordance with the declared wishes of the other petitioners, His Majesty's Government should merely extend the Legislative Council and increase its powers, I have reason to believe that sufficient provision would thereby be made for the good government of the colony for the next five or seven years; especially as Sir Richard Bourke has already secured the general welfare of the colonists in the grand interests of general education and religious instruction. Public opinion, and its organ the public press, would render a council of thirty members, *properly appointed*, and with increased powers, a sufficiently good *instrument of government* for a time, in the present condition of the colony.

Indeed, as the colony is evidently at this moment in a state of rapid transition; as the proportion of its free emigrant population is fast increasing, and will probably be doubled in the course of the next five years, through the measures that are now in progress for the encouragement and promotion of emigration to the colonial territory; and as the whole aspect and character of its society will consequently be in all likelihood completely changed, and the influence of the emancipists, as a separate and influential class in the community, completely neutralized within a limited period; it appears to me that it would be much better for all parties to constitute a temporary government, such as an extended council with increased powers

would form, than to construct a House of Assembly in the first instance. If ten members, for instance, of a Legislative Council, to consist of thirty members, were to be nominated by the Crown, and the remaining twenty to be chosen by the magistrates of the territory, I am confident that all the purposes of a House of Assembly would be answered equally well, and with much greater quietness, for five or seven years to come; while, at the end of that period, the colony would be much fitter for a Representative Legislature, to be constituted on a broader and more popular basis, than it is at the present moment. The number of magistrates in the colonial territory is at present 162: they could doubtless be increased to 200 with advantage to the colony, and with additional security for the maintenance of whig principles in the colonial administration; and such a body of electors as they would thus form would, I conceive, be sufficient to meet the present wants and to answer the present wishes of the reputable portion of the inhabitants of New South Wales.

There is no service for which the interference of a popular government is more necessary in that remote dependency of the empire, than that of reducing the salaries of the *future* Government officers of the colony; for it is a wise maxim of Government in such cases, that existing interests shall not be interfered with. These salaries have all been fixed on the old tory scale of oriental magnificence; insomuch that the Governor of a convict colony of from thirty to forty thousand inhabitants—the amount of the colonial population during

the government of General Darling—was allowed a salary of five thousand a year; that is, a salary equal to that of the President of the United States of America! With the highest possible respect for the present Governor, I entirely agree with Mr. Wentworth, in thinking, that “five thousand a year is a sum which the people of the colony would look at for a very long time before they voted it to any Governor.” I apprehend they would look still longer at *two thousand a year*, before they voted any such sum to a Chief Justice, a Bishop, or a Colonial Secretary. Salaries of so extravagant an amount serve only to encourage and to maintain an expensive style of living, of the worst possible example in a young colony; and the Government officers of New South Wales are notoriously chargeable with having set that pernicious example to the colonial population. With the exception of the Governor and the Chief Justice, there ought decidedly to be no salary above a thousand a year in the Australian colonies. Those who cannot afford to serve His Majesty for that amount in these colonies should be taught to seek for promotion somewhere else: at all events, the people of New South Wales have hitherto had *to pay a great deal too dear for their whistle*.

CHAPTER IX.

VIEW OF THE AMOUNT AND DISTRIBUTION OF
THE COLONIAL POPULATION, OF THE PRODUCE
AND TRADE, AND OF THE REVENUE AND EX-
PENDITURE OF NEW SOUTH WALES.

Nullus in orbe *sinus Baiis* præluet amœnis.

HORACE.

IN exhibiting a general outline of the present state of the colony, the first subject of interest that presents itself is the amount and distribution of its population. The population of New South Wales amounted in the year 1800, at the close of Governor Hunter's administration, to between 6000 and 7000 persons: at the commencement of Governor Macquarie's administration, in the year 1810, it amounted to 10,000, or thereabouts, a number which was more than doubled during the next ten years; the population in the year 1820 having amounted to 23,939: at the close of Sir Thomas Brisbane's government, in the year 1825, it amounted to 36,366; and in the year 1833 (the intermediate census of General Darling, taken in the year 1828, being evidently incorrect,) it had amounted to 60,794. In the Appendix (No. 10) there is an abstract of the census

of 1833, exhibiting the relative proportions of the different classes to which the colonial population belongs, with the population of Sydney for the year 1833, and an estimate of the amount of the general population up to the 30th of June, 1836: from which abstract it appears,

1. That two-fifths of the whole population of the colony consists of convicts in actual bondage; the remaining three-fifths consisting of free emigrants, natives of the colony, and persons who have become free either by servitude or by pardon.

2. That the disproportion of the sexes, which has of late been so much talked of in England, is confined chiefly to the class of convicts; the relative proportions of free males and females for the year 1833 being 22,798 males, and 13,453 females, a disproportion which has been greatly diminished by the arrival of numerous free emigrant females in the colony during the last three years; while the relative proportions of male and female convicts were 21,845 males, and 2,698 females. But as a considerable proportion of the free male population of the colony consists of emancipated convicts, it is almost exclusively to the convict and emancipated convict classes that the disproportion of the sexes is confined. It is evidently, therefore, not to become the wives of the free emigrant and native born male inhabitants of the colony, that whole cargoes of free emigrant females have been trepanned in England during the last few years, and sent out to New South Wales to push their fortunes. A few of these females may doubtless be eventually

settled in this way ; but the great majority go out, in reality, (at least, such is the result of their emigration,) to be the wives or paramours of ticket-of-leave men and emancipated convicts. No person certainly has any right to prevent young women from emigrating from the mother country for such a purpose ; but let them do so, at all events, with their eyes open.

3. That rather more than a fourth of the whole population of the colony consists of Roman Catholics. This religious denomination in New South Wales consists almost exclusively of convicts and emancipated convicts with their families ; the number of free emigrants of the Roman Catholic persuasion having been very small. It is also worthy of particular observation, that the number of *Roman Catholic convicts* arriving in New South Wales by convict ships from *Protestant England* amounts to ten per cent of the whole number, while the *Protestant convicts* arriving by convict ships from *Roman Catholic Ireland* amount to only five per cent. I have no means of ascertaining the proportion of Roman Catholics as compared with the number of Protestants in Great Britain : surely, however, they do not amount to one tenth of the whole population of the island. At all events, it has recently been ascertained, that the proportion of Protestants as compared with Roman Catholics in Ireland is as 1 to $4\frac{1}{2}$ nearly ; but the proportion of Protestant as compared with Roman Catholic convicts from that island is only as 1 to 20.

The population of New South Wales is partly concentrated in towns, and partly dispersed over the whole extent of the colonial territory. The latter portion of

the colonial population is employed almost exclusively in the pursuits of agriculture and grazing; the former, exclusive of the military and the officers and clerks connected with the public service, chiefly in mercantile pursuits, in the practice of the various mechanical arts, in dealing and shop-keeping, &c.

The capital of the colony, and the seat of the colonial government, is the town of Sydney, which at present contains a population of from 18,000 to 20,000 souls. The town of Sydney is beautifully situated on Sydney Cove, one of the numerous and romantic inlets of Port Jackson, about seven miles from the entrance of the harbour. The heads of Port Jackson, or the headlands at the mouth of the harbour, constitute one of the grandest and most interesting features in the natural scenery of the country. To a person approaching the land from the eastward, the coast presents an apparently unbroken line of lofty, precipitous, sand-stone cliffs, along the base of which the big waves of the vast Pacific Ocean dash fearfully when the wind blows strongly from the eastward; causing dense volumes of spray and whitish vapour to ascend to the summits of the highest cliffs all along the coast. The entrance is designated, at a considerable distance at sea, by the light-house, or Macquarie tower,—a circular building of cut stone, surmounted by a lantern with a revolving light, situated on the South Head; but no opening of any kind can be perceived till you come close in with the land. At a small distance from the Heads, however, an opening is at length perceived in the iron-bound coast; and the idea you unavoidably form of it is,

that the cliffs on either side have been violently rent asunder by some mighty convulsion of nature, to afford a passage for vessels into some place of security:—

Hinc atque hinc vastæ rupes, geminique minantur
In cœlum scopuli, quorum sub vertice late
Æquora tuta silent. VIRG.

High on the right and left, tremendous rocks
Tower upwards to the heavens, beneath whose cliffs
The sea sleeps placidly.

The entrance at the Heads is about a mile and three quarters wide; but the height of the cliffs and the idea of boundlessness which the ocean scenery has previously impressed upon the mind make it appear much narrower. On getting round Middle Head, a point of land stretching out from the southern side of the harbour, and completely concealing the opening from the eye of an observer at a few miles' distance at sea, the scene surpasses description. You immediately find yourself on the bosom of a large lake, extending to a great distance in a westerly direction, with innumerable coves or inlets stretching inland to the right and left; some presenting sandy beaches and grassy lawns; others lined with a barrier of gray rocks cast in the most fantastic moulds, and surmounted in all directions with outlandish but most beautiful shrubbery.

Many of the most interesting localities on the shores of Port Jackson, between Sydney and the Heads, are in the hands of private proprietors; and the richly and endlessly diversified beauties of nature, which they uniformly exhibit, are in some instances enhanced by the manner in which they appear contrasted with the

tasteful habitations of men. Several neat cottages have been erected by the pilots of Sydney, on a sandy beach immediately behind the South Head. A little nearer the town is the picturesque cottage of Vaocluse, the residence of Mr. Wentworth the barrister; and somewhat nearer still is the splendid villa of Point Piper, formerly the residence of Captain Piper, Naval officer of the colony. On Woolloomoolloo Hill, an elevated projection of the land, situated between Woolloomoolloo and Elizabeth bays, about a mile from Sydney on the same side of the harbour, most of the civil officers of the colony have built houses of respectable appearance, on allotments granted them for the purpose by the late Governor, the view of which from the water is highly interesting and enlivening: and on the opposite side of the harbour, or what is called the North Shore, a few handsome cottages have also been erected, besides wharfs and stores belonging to merchants in Sydney connected with the fisheries and the New Zealand trade.

The town of Sydney, which received its name in honour of Lord Sydney, His Majesty's Principal Secretary of State for the Colonies, at the time when the territory was taken possession of for Great Britain, was originally confined to the immediate neighbourhood of the cove of the same name, which extends only a short distance inland in a southerly direction from the main harbour. At the entrance of the cove there are forts—of no great strength however—on the extremities of the two ridges that form its eastern and western shores; the one called Dawes' Battery, and the other

Fort Macquarie. At the head of the cove these ridges attain a considerable elevation ; and on their sloping sides and towering summits, as well as in the valley between, the town of Sydney now extends nearly two miles from Dawes' Battery to the southward, the ridges gradually subsiding till the ground becomes nearly a dead level. The principal streets run in a northerly and southerly direction, parallel to that of the ridges, and are crossed nearly at right angles by other streets, that terminate in a second and much more extensive cove to the westward, called Cockle Bay or Darling Harbour. In short, there can scarcely be imagined a finer situation for a large mercantile city ; and it is much to be regretted that so little advantage was taken, in the earlier years of the colony, of its admirable locality, and so little attention evinced in laying down a proper plan for its gradual extension.

Of the public buildings in Sydney there are few that deserve particular notice for their architecture. In design and execution the Australian College buildings, erected by a number of free emigrant Scotch mechanics, in the year 1832, on the plan generally pursued in the new town of Edinburgh, are perhaps the first in the colony. These mechanics, however, have since been the means of effecting a very striking improvement in the architecture of the town ; and buildings are now erecting both in Sydney and in various other parts of the territory of a much superior character to any previously erected in New South Wales. The Sydney market-buildings, erected chiefly by the Scotch mechanics, and consisting of a double range of covered sheds, in

the Grecian style of architecture, for the accommodation of persons exposing goods for sale in the Sydney market-place, would almost bear comparison with any buildings of the kind in England. Government House is merely a large and rather ancient cottage, occupying a beautiful situation on the eastern side of the cove, but scarcely suited for the residence of the Governor: it is to be superseded forthwith by a building somewhat more in accordance with the rapidly increasing wealth and importance of the colony. St. James' Church is a plain brick-building with a tall and rather handsome spire. The Court-House, and a large building intended for a Charity School for the town of Sydney, were erected in its immediate neighbourhood at the recommendation of Mr. Commissioner Bigge, that the whole might appear a single pile of building and have a more imposing effect: the effect, however, is any thing but imposing, the three large masses of brick-work being brought into juxtaposition without the least taste or judgment. The Roman Catholic Chapel is an ambitious edifice, built of hewn stone in the form of a cross, and occupying a very conspicuous situation when viewed from the water. The Sydney College, of which a large hall or class-room, with a house for the head master, is all that has yet been erected, will also be a fine building when completed—more creditable, indeed, for its design than for its execution. The Scots Church is a plain substantial edifice of free-stone, in the Gothic style, with a square tower or belfry. A second place of worship for the Presbyterians of Sydney, also in the Gothic style of architecture, has recently been erected

in the southern part of the town. A third episcopal church for the same neighbourhood is probably now in progress ; and a Baptist Chapel, in the Grecian style, has recently been completed. The Prisoners' barracks is a large and substantial brick building, very creditable to the architect, Mr. Greenaway, as is also the Carters' Barracks. The General Hospital I have already mentioned elsewhere.

It is from the daily increasing number, however, and the daily improving character of the various private buildings that have recently been erected or are now erecting every where in the town of Sydney, that a proper idea can be formed of the present state and the rapid progress of the Australian capital. Wharfs for shipping, of the most substantial structure, warehouses of large dimensions and costly architecture, shops emulating those of Bond-street in the British metropolis, dwelling-houses of every variety of form, public-houses, windmills, steam-mills, &c. &c.: in short, buildings of every kind that may be supposed necessary in a busy, bustling, commercial sea-port town, are erecting or have recently been erected in all parts of Sydney—many of them of brick, and not a few of cut stone ; and the demand for such buildings is daily increasing.

The minimum price of building-ground belonging to Government in the town of Sydney is £1000 per acre ; but allotments in eligible localities generally sell at a much higher price : indeed, as much as £10,000 to £20,000, and even £30,000 an acre has been obtained for corner allotments in peculiarly eligible situations.

All sorts of mechanical arts and occupations are pursued in Sydney ; and shops of all kinds are to be found in almost every street, as in the busiest sea-ports in the mother country. Indeed, it would be somewhat difficult to enumerate the various branches of business that are followed in the Australian capital, and to particularize the different modes by which the industrious portion of its inhabitants obtain a livelihood. There are no fewer than six steam flour-mills in or near the town, besides a number of windmills on the heights around it. There are soap-manufactories ; manufactories both of tallow and sperm candles ; founderies on a small scale for casting either brass or iron ; breweries for the manufacture of Australian beer, either from sugar or from malt ; distilleries for the manufacture of colonial gin from maize and barley ; rope manufactories ; tanneries ; hat manufactories, &c. &c. ; while the roads of the colony are traversed in every direction by coaches and vehicles of all other descriptions built in Sydney. Besides, all the mechanical arts that are in requisition in house-building and in the furnishing of houses, as well as in the building, equipment, and repairing of vessels, are successfully practised in Sydney, and afford a comfortable subsistence to a large and daily increasing number of industrious and reputable families.

House-rent is still considerably higher in Sydney than in most parts of the mother country. A good house in Sydney, of the description of a clergyman's manse in Scotland, would rent for £100 a year : a few years ago it would have let for £140 ; but the influx of mechanical labour into the colonial market, during the

last few years, has already had considerable influence in lowering this serious item of expenditure in the domestic economy of the Australian capital.

There is a market held twice a week in Sydney, in which all sorts of goods and produce are exposed for sale by settlers or the servants of settlers from all parts of the interior, as well as by the numerous dealers in the town. The corn and cattle market, for horses, sheep, cattle, pigs, grain, hay and straw, is held at the southern extremity of the town; the general market is situated somewhat nearer the harbour; and the large and commodious suite of buildings recently erected for the accommodation of the numerous frequenters of that busy scene not only forms an appropriate ornament to the town, but affords a large annual revenue to the government. Grain and dairy produce of all kinds, eggs and poultry of all descriptions, potatoes, pumpkins, melons, apples, pears, peaches, apricots, oranges, lemons, loquets, grapes, figs, cherries, strawberries, native currants, with all the variety of vegetables cultivated in the mother country, are procurable in their respective seasons in the Sydney market, at reasonable prices and of superior quality. The town of Sydney is supplied with milk from dairies in the town and neighbourhood, and with fish chiefly from Botany Bay. The latter are brought overland, a distance of seven miles, in carts, and hawked about the streets in wheelbarrows—the cry of “Fish, ho!” uttered in the genuine London style, being one of the standing matin notes of the Australian capital.

There are five newspapers published in Sydney, be-

sides the "Government Gazette," which is published weekly. The "Sydney Gazette" is published three times; the "Herald," the "Monitor," and the "Australian," twice; and the "Colonist" once—a week. There is also a journal published twice a week, and distributed gratuitously, supported entirely by advertisements. A monthly magazine for miscellaneous intelligence has also been in existence since the commencement of the year 1836, and is doing well: it is published by a son of the famous cheap bookseller of Cheapside, London, and is called "Tegg's Magazine." Occasional pamphlets on subjects of local interest are also published in Sydney from time to time; and the black swan of Australia must unquestionably be a tuneful bird, for whole volumes of poetry have already issued from the colonial press.

In regard to the public amusements of Sydney, I have already alluded to the colonial taste for horse-racing, cricketing, and regattas; and it is scarcely necessary to remind the reader, that a taste of that kind uniformly implies a taste for gambling and dissipation. For that portion of the community that delights in such amusements, there is also a Theatre Royal in Sydney. I have heard of *grossièretés* being occasionally exhibited in that fashionable place of resort—a circumstance not at all unlikely in an Australian theatre; but having never been present at any theatrical exhibitions in the colony, I can only presume, from my general knowledge of the character and propensities of certain classes of its population, that if there is little reason to consider the theatre as *a school of virtue* in England, there is no

reason whatever for regarding it in that light in New South Wales.

To those who are addicted to botanical researches, or to those who, like myself, merely delight to contemplate the wonderful works of God, without being very inquisitive about the genus and species of each, the botanic garden and the romantic walks of the government domain in the immediate neighbourhood of Sydney cannot fail to afford a never-failing source of far higher gratification. To wander alone on serpentine walks, traced with the utmost taste* along the margin of beautifully romantic bays, and through woodland scenes, untraversed so lately save by the naked savage and the solitary kangaroo;—to behold innumerable shrubs of innumerable species, each of which would grace the choicest spots in the garden of a European prince, growing wildly and luxuriantly, and shedding their beautiful flowers unregarded;—to sit on the summit of a gray rock overhanging the silent waters of Port Jackson, while the glorious sun descends behind the distant mountains to the westward, and pours forth a deluge of light on rock, and wood, and water;—in such scenes, when the poet asks, “*O Solitude, where are thy charms?*” one is almost tempted to reply, “*Here! here!*”

It is not very creditable, however, to the dwellers in Sydney, that such scenes should be allowed to remain so entirely sacred to solitude as they have hitherto

* The principal walks in the government domain at Sydney were planned by Mrs. Macquarie, and formed under her immediate superintendence.

been ; but while it is undeniable that the *schoolmaster* will require to be *abroad* somewhat longer, ere the race of Australians can be expected to go any where in search of the picturesque, there is another very obvious reason for the comparative desertion of the government domain by the inhabitants of Sydney. Every person, who can contrive to get any thing more than a mere livelihood in the colony, forthwith possesses himself of a horse and *shay* for *pleasuring*, to be transformed in due time into a curricule and pair. Till lately, however, the government domain was open only to pedestrians, and was consequently no place for the display of equipages. Besides, a road was formed, during Governor Macquarie's administration, at the expense of the people of Sydney, as far as the light-house on the South Head ; and that road has ever since been the favourite resort of the *beau monde* of the Australian capital. About four o'clock in the afternoon—before dinner in the *haut ton* circles, but some time after it among people of inferior station—all the coach-house doors in Sydney fly open simultaneously, and the company begin to take their places for the afternoon drive on the South Head Road. In half an hour the streets are comparatively deserted ; by far the greater portion of the well-dressed part of the population being already out of town. In the mean time, the long line of equipages—from the ponderous coach of the member of council, moving leisurely and proudly along, or the lively barouche of Mr. Whalebone, the ship-owner, to the *one-horse-shay*, in which the landlord of the *Tinker's Arms* drives out his blowzy dame to

take the hair arter dinner—doubles Hyde Park Corner, and arrives on the Corso; while ever and anon some young bachelor merchant or military officer, eager to display his superior skill in horsemanship, dashes briskly forward along the cavalcade at full gallop.

The South Head Road runs along what the colonists would call *the dividing range* between Botany Bay and Port Jackson; and the series of views, which it successively presents, is as interesting and diversified as can well be imagined. On reaching the highest land on the line, the vast Pacific—the broad highway to England—stretches far and wide in front; while the roar of its breakers, as they dash incessantly on the shores of Bundy Bay, a small inlet to the southward of the Heads, is heard almost under foot. To the right, the noble inlet of Botany Bay, with its white sandy beach and its dark-looking heads—standing erect like two negro sentinels—is seen at a moderate distance, athwart a series of swamps and sand-hills, the picture of absolute sterility. To the left, the harbour of Port Jackson, with its hundred arms, appears like a series of highland lakes, changing their aspect, and assuming more and more interesting forms at every step; while the North Head, now seen towering in solitary grandeur, seems like the ruins of some vast fortress built in the ages of fable to guard the entrance of the harbour. In the rear, the town of Sydney, covered with a thin transparent cloud of whitish smoke, curling slowly upwards from its numerous wood fires, occupies a considerable portion of the field

of vision ; while the Blue Mountains in the distance stretch along the western horizon, and terminate the view.

The light-house on the South Head is about seven miles from Sydney ; but the usual termination of the afternoon's drive is on the summit of a hill called Belle Vue, about four miles from the town ; the carriages generally making a circular sweep on the top of the hill, and returning to town in nearly the same order as they left it.

The second town in the colony is Parramatta : it is distant about fourteen miles from Sydney, being pleasantly situated at the head of one of the navigable arms of Port Jackson, into which a small stream of fresh water, scarcely sufficient to turn a mill, discharges itself : it contains nearly five thousand inhabitants. The other towns in the colony are Windsor, Liverpool, Campbelltown, Richmond, Newcastle, and Maitland ; the last of which will doubtless ere long be the second in the colony, as it is situated at the head of the navigation of Hunter's River, and in the centre of the most extensive agricultural and grazing district in the territory. There are other towns, however, in the progress of formation in other parts of the colony, which in a few years will doubtless become places of considerable importance ; as at Bathurst, beyond the Blue Mountains ; at Goulburn and Bong Bong, in the district of Argyle ; at Patrick's Plains, on Hunter's River ; and at Wollongong, in the district of Illawarra.

Three or four stage-coaches and two steam-boats ply daily between Sydney and Parramatta, and there are

also two daily coaches between Sydney and Liverpool—a rising town about twenty miles distant from the capital, forming a thoroughfare for the extensive country to the south-westward. One of the Parramatta coaches proceeds daily to Windsor on the Hawkesbury—a distance of twenty-five miles farther inland; and there are also conveyances of a similar kind from Sydney to Bathurst twice a week, and from Sydney to Yass, a distance of 180 miles to the south-westward. Respectable persons travelling to and from the more distant settlements in the interior generally travel on horseback or in vehicles of their own; and goods and produce are conveyed to and from Sydney on large drays drawn by oxen. The Surveyor-General has been directed, moreover, to construct the future roads of the colony, so as to admit of their being used by locomotive steam-carriages; and it has even been proposed to form railroads for that purpose of the iron-bark wood of the country—a species of indigenous timber remarkable for its hardness and durability.

Between Sydney and Maitland there are three steam-boats—the *Sophia Jane*, the *Ceres*, and the *Tamar*—that ply twice a week each with goods and passengers; seventy miles of their course, or the distance between the Heads of Port Jackson and the entrance of Hunter's river, being along the land in the open Pacific Ocean. The *Sophia Jane* was formerly a passage-boat on the Thames, plying between London and Margate, and was brought out to the colony in the year 1831 by Captain Biddulph, a lieutenant in the royal navy, who has since settled in Sydney with his family. The *Tamar*

was also brought out from England ; the Ceres,* which is the largest of the four, and the William the Fourth, which now plies between Sydney and Port Macquarie, considerably farther to the northward, having been both built in the colony. All the four vessels, it is generally understood, have done exceedingly well. As a proof of this, there has been a company formed lately, the object of which is to place a vessel of much larger size on the course between Sydney and Hobart Town, Van Dieman's Land, to carry cattle as well as goods and passengers.

For many years after the first settlement of New South Wales, the trade of the colony consisted merely in the importation of such articles of British manufacture or foreign produce as were required for the internal consumption of the settlement. These articles were imported by a few merchants, who had settled in Sydney in the earlier times of the colony, and who sold them to colonial dealers, by whom they were retailed to the inhabitants ; the only source to which all parties looked for their ultimate payment being the expenditure of British money by the government of the colony. This state of things continued until so late a period as the administration of Sir Thomas Brisbane : for, although a few seal-skins, a few tons of oil, and a few bales of wool had been occasionally exported previous to that period, the chief, if not the exclusive source of the expectation of profit, on the part of the colonial merchant, was the expenditure of British money within

* This vessel has recently been lost on the coast, evidently through great mismanagement.

the colony : and there is reason to believe, that, if a great change had not taken place in the circumstances of the colony at the period I have mentioned, the colonial trade would have remained on much the same footing down to the present day.

The government of Sir Thomas Brisbane, I have already observed, however, was the era of free emigration ; and from that era, the prosperity of the colony and the existence of any thing like a colonial trade may be fairly dated, as it was then that the resources of the country began, for the first time, to be inquired into and developed. The lavish expenditure of Governor Macquarie's administration induced the British Government, about the period I have mentioned, to withhold from the Governors of New South Wales the *carte blanche* they had previously allowed them on the treasury of Great Britain ; and the order of merit was therefore to be worn in future by the Governor who could reduce the expenditure of British money in the colony to the lowest practicable amount. In the mean time, the numerous free emigrants who were daily arriving in the colony were obliged to exercise their ingenuity in obtaining a profitable return for the capital they had expended in the country ; for, as the Government market was daily becoming more and more precarious, in consequence of the diminution of the public expenditure and the rapidly increasing number of competitors, it was absolutely necessary to look out for a market somewhere else ; and the necessity for finding such a market implied the corresponding necessity for raising produce that would be saleable in that market.

It is preposterous, therefore, in the highest degree,

for the persons who attempt to render themselves conspicuous in the colony, by placing themselves at the head of the emancipist body, to talk so loudly as they have done repeatedly to the British Parliament, about what the emancipists have done for the colony. What did they do for it, I ask, during the thirty-three years they had it in great measure to themselves? Why, they scrambled chiefly for the British money, which their favourite Governor dealt forth among them with a wasteful lavishness, which, however it might be applauded in the colony by those who partook largely of the spoil, cannot fail to be regarded with very different feelings by the real lover of his country, especially when he recollects that every farthing of that expenditure was wrung from the over-taxed, over-tithed, and overwrought population of Great Britain and Ireland. This expenditure, moreover, the emancipists, or rather a few individuals of their number, divided among themselves, and employed in building houses and cultivating land, or rather in purchasing for a mere trifle the houses that had been built and the land that had been cultivated by others of their own number who were not so fortunate as themselves: and this profitable process they would doubtless have continued to the present day, had not a host of free emigrants arrived from the mother country, and developed the vast resources of the colony by their enterprise of every kind; and told His Majesty's Ministers, through the unexpected and unprecedented results of that enterprise, that, although as a community we should never cease to *wish for more men*, we should soon cease to *wish for more money from England*.

The imports of New South Wales consist chiefly of goods of British manufacture,—rum, gin, brandy, and wine, from the mother country; tobacco from the United States and South America; wine from the Cape of Good Hope; sugar from the Mauritius; tea and other China goods from Canton; rice and other India produce from Batavia or Calcutta; and occasionally wheat and potatoes from Van Dieman's Land. The exports consist chiefly of wool, sperm and black-whale oil, New Zealand flax, seal-skins, hides, horns, trenails, and occasionally timber, to London; butter, cheese, beef, pork, maize, oranges, cedar-wood, coals, cattle and horses to Van Dieman's Land; and provisions of all kinds to the fisheries.

For the information of the mercantile reader both in England and in America, and to enable the general reader to form some idea of the unprecedentedly rapid rate at which the colony of New South Wales has been advancing in commercial importance and in general prosperity during the last few years, I have inserted in the Appendix (No. 11.) returns of the imports and exports of the colony for the eight years preceding the first of January, 1836, together with the amount of the tonnage and the number of vessels and sailors employed in the colonial trade.

From these returns it appears that the exports of the colony of New South Wales for the year 1835 were seven times greater than those of the year 1828; and from a return of the progressive increase of the colonial revenue* for the ten years preceding the first of

* See Appendix, No. 12.

January, 1836, it appears, that during that comparatively brief period, the colonial revenue had quadrupled itself. It would probably be difficult to find a parallel to such a state of things in the history of the world.

The principal and the grand staple article of Australian produce is fine wool; and as it appears from the preceding returns that the quantity of that valuable article of colonial produce exported from New South Wales during the year 1835 was more than double the amount exported during the year 1832—the comparative quantities exported during these years being as follows, viz. :

In 1832 1,515,156 lbs.

In 1835 3,776,191 —

—while the capabilities of the colony for the increased production of wool are literally inexhaustible; the origin and history of a branch of colonial trade, which has thus raised the colony already to the highest pitch of prosperity, and will ere long raise it to a pitch of commercial and political importance never anticipated by the most sanguine of its founders, cannot fail to be interesting in the highest degree to the colonial reader.

In the year 1792 or 1793, a few English sheep, which had been accidentally carried out from Ireland, were landed in New South Wales; and John Macarthur, Esq., who was then resident in the colony as captain and paymaster of the New South Wales Corps, observing the effect produced by their accidental crossing

with the sheep of the hair-bearing breeds from the Cape and Bengal, of which there was then a considerable number in the colony, his attention was strongly directed to the subject of the improvement of coarse-wooled sheep, and the growth of wool in New South Wales. The effect of the crossing was a decided improvement of the animals—the hairy coat of the progeny of the Cape and Bengal breeds being gradually converted into wool—while it appeared that the influence of the climate on the fleece of sheep generally was decidedly favourable. Shortly after this interesting fact had been ascertained, Captain Waterhouse, a naval officer who was then in the colony, having been ordered to proceed to the Cape in command of a vessel in His Majesty's service, Mr. Macarthur requested him particularly to endeavour to procure a few sheep of improved breed in that colony, and to bring them to New South Wales; offering to share with him in the cost and in the general result of the speculation. Captain Waterhouse never returned to New South Wales; but the commission with which he had been charged by Mr. Macarthur was duly executed by Captain Kent, who, on his return to the colony in charge of the vessel in the year 1796, brought along with him a few sheep of the pure Merino breed, which he had purchased at the Cape, at the sale of the property and effects of Colonel Gordon, an officer of Scotch extraction in the Dutch service, then recently deceased. On their arrival in the colony, these sheep were equally divided between Mr. Macarthur, Captain Kent, Captain Cox (afterwards paymaster of the New South Wales Corps), and the Rev. Mr. Marsden; Mr. Macarthur obtaining

five ewes and one ram. It appears, however, that Mr. Macarthur alone paid the requisite attention to these valuable animals, which it seems were made little account of and neglected by the other gentlemen ; and his perseverance in the matter not unfrequently exposed him to no small degree of ridicule on the part of his contemporaries. By his persevering attention Mr. Macarthur at length formed a considerable flock, which was afterwards greatly increased about the year 1803, by his purchase of the whole of the sheep and other stock of Colonel (now General) Foveaux.

About this period, Colonel Patterson, of the New South Wales Corps, having challenged Mr. Macarthur to fight a duel, from some circumstance which I have not been able to ascertain, a meeting between the parties took place ; and Colonel Patterson being wounded by his antagonist, Governor King placed Mr. Macarthur under arrest, and published severe animadversions on his conduct in a general order. Conceiving himself injured, Mr. Macarthur solicited a court-martial : this the Governor peremptorily refused, and actually sent Mr. Macarthur home as a prisoner to England. This circumstance, which Mr. Macarthur naturally considered as a great hardship at the time, proved eventually very fortunate for that gentleman ; for having taken home with him samples of his wool, they were accidentally shown to the principal manufacturers of that article in England ; who, in consequence of a particular occurrence in connexion with the woollen manufacture at that period, were disposed to regard them with peculiar interest.

About the year 1804, the workmen employed in the great woollen manufactories in England had discovered an obsolete statute of Queen Elizabeth, prohibiting woollen manufacturers from employing any person in any branch of that occupation who had not served a regular apprenticeship: proceedings were accordingly commenced against the manufacturers, on the part of the workmen, by memorializing and petitioning the Government to have the statute of Elizabeth enforced. As this would have subjected the manufacturers to great inconvenience and loss, a reply to the memorial of the workmen was made on the part of the committee of manufacturers, setting forth, that similar statutes had been enacted for the protection of the operatives in cotton manufactories, but had subsequently been repealed, in consequence of their being found opposed to the commercial interests of the country, and of unjust operation. To this it was replied, on the part of the workmen, that cotton being an article of *unlimited produce*, it was found necessary to remove the restrictions imposed under the statutes in question, to afford all possible encouragement to its manufacture; whereas wool being an article of very *limited produce*, the parallel could not hold. In this conjuncture, Mr. Macarthur's specimens of Australian wool being produced and referred to as a proof that that article could be raised of superior quality and to an unlimited extent within the territorial possessions of the empire, the case was decided in favour of the manufacturers, and strong recommendations were addressed on behalf of Mr. Macarthur and his important object to the Secretary of State.

The following extract from Mr. Macarthur's examination, by Colonel Johnston, on the trial of that unfortunate officer for the arrest of Governor Bligh, in the year 1811, will not be uninteresting to the reader, in connexion with this subject:—

“ How long have you been established in New South Wales?—I went to the colony in the year 1789, as an officer in the New South Wales Corps, twenty-one years since.

“ When did you first commence your agricultural pursuits in that colony?—About the year 1793. The colony had, previously to that period, been in the extremest distress for provisions; the rations issued by the Government were frequently so small, that the greatest want prevailed, and absolute famine was often apprehended. When Major Grose (now Gen. Grose) took the command of the colony as Lieutenant-Governor, he considered it expedient to encourage cultivation, by giving grants of land to the officers both civil and military. Among the persons so encouraged, was myself; and I devoted myself with great assiduity to the clearing and the cultivating of the land given to me, and to the raising of every kind of animal fitted for food.

“ What quantity of live stock do you suppose you have reared in the period you have spoken of?—To the best of my knowledge and belief, I have circulated among the settlers at least £20,000 worth of breeding animals, all raised by myself.

“ *A Member.* We cannot judge of the number of the cattle by such a statement, because the prices might be very high.

“ *The Witness.* I have sent an immense quantity to the market to be slaughtered, and I am sure I may fairly estimate from my present stock, that the colony will be supplied with at least 100,000 lbs. weight annually. It is perhaps proper that I should state to the Court, that the stock from which such large supplies have been obtained, originally consisted only of about six or seven cows, and about thirty ewes; and that from these I have raised 1000 or 1200 head of horned cattle, and at least 10,000 or 12,000 sheep. The last returns of my stock made the number of sheep 4600, the horned cattle near 300, with about 50 horses.

“ Are those in addition to the numbers you before stated?—No; they are the present stock.

“ What was the price of beef and mutton in the colony when you

commenced breeding cattle and sheep; and what was the price when you left the colony?—When I commenced, it fluctuated from 3s. to 2s. 6d. per pound:—before I left it, I supplied Government with a large quantity at 1s.; and since my departure they have been supplied with a still larger quantity at 9d.

“At what period, and in what manner, did the Government of England encourage your agricultural views?—In the beginning of the year 1804, some of the most eminent manufacturers of woollen cloth in England saw by accident some specimens of the wool that I had raised in New South Wales; its quality was so fine that it induced them to find me out, and to make particular inquiries how and in what manner this wool had been raised. On my communicating to them all I knew upon the subject, they expressed a decided opinion that the colony of New Holland might, with proper encouragement, be enabled in time to supply the woollen manufacture of this country with the whole quantity of fine wool which was then, with great difficulty, obtained from Spain; and such was the importance which they attached to this, that they signified their determination to communicate their opinion to Government by memorial, which was soon afterwards done. In consequence of these memorials being sent in, I was directed to attend a Privy Council, before whom I was particularly examined as to the state of my flocks and their probable improvement. The Privy Council were so satisfied of the importance of the undertaking, that they recommended to the Secretary of State that it should be encouraged.

“In what shape was the encouragement of Government conferred upon you?—Lord Camden, the then Secretary of State, was pleased to order me a grant of 5000 acres of land, in a particular situation which I had pointed out to His Lordship: at the same time he wrote to the Governor of the colony, directing that I was to be supplied with shepherds.

“Who was the Governor?—King. And with every other suitable and proper encouragement to advance an object of such national importance.

“Was this after your examination before the Privy Council?—It was after.

“What was the result of your agricultural pursuits at the time Governor Bligh entered upon the government of New South Wales?—The flocks of sheep and the herds of cattle were in the most flourishing state, the fleeces improving quite as rapidly as I could calculate upon.

“Did Governor Bligh promote the intentions of Government in your favour, and forward your agricultural views?—Never, in the smallest degree.”

Governor Bligh, like almost every other person in New South Wales at the time, was altogether sceptical as to the practicability of realizing the views of Mr. Macarthur in regard to the production of fine wool in the colonial territory, and doubtless conceived that that gentleman had obtained an undue advantage from the Government in obtaining so much more land and convict labour than were allowed to other free settlers: he appears also to have expressed himself repeatedly to this effect, in the rough and rude manner in which he was accustomed to express unfavourable opinions of any person or on any subject; but there is no evidence of his having thrown any positive obstruction in Mr. Macarthur's way in the accomplishment of his object.

The discouragements, however, of various kinds, and from almost every quarter, with which Mr. Macarthur had to struggle through a long series of years, in demonstrating the practicability of producing fine wool in New South Wales to an unlimited extent, were sufficient to have paralyzed the energies of a less energetic mind; and the obligations under which he has consequently laid the colony in all time coming, through his unremitting perseverance and unexampled success, are great beyond calculation. The peculiar adaptation of the climate of New South Wales to the constitution and habits of fine woolled sheep, and the capabilities of the colony for the production of that valuable article of export to any conceivable extent, would doubtless have been discovered sooner or later by some other inhabitant of the colony, even if they had not been ascertained and demonstrated by Mr. Macarthur; but this possibility

does not in the least detract from the singular merit of that gentleman as a real benefactor of his adopted country ; for the very same remark is applicable in the very same manner to the noble invention of Faustus, and the splendid discoveries of Columbus.

During the ten years that had elapsed from the first muster after Governor Macquarie's arrival in the year 1810 to the annual muster in 1820, the sheep of the colony had increased from 25,888 to 99,428 ; Mr. Macarthur's flock being at the latter period 6800, of which 300 were pure Merinos. During the administrations of Sir Thomas Brisbane and General Darling, it became a matter of controversy in the colony, whether the Merino or the Saxon breed, of which a few sheep had been introduced into Van Dieman's Land, direct from Germany, in the early part of the year 1823, by the vessel in which I arrived for the first time in the Australian colonies, produced the finest wool and was most profitable for the sheep-farmer. The preference, however, is now generally given to the Saxon breed, which, it is well known to persons acquainted with sheep-farming, was itself originally of Merino extraction. Several cargoes of Saxon sheep have at different times been imported into the colony by different colonial proprietors, as well as on speculation ; and sheep of that breed are now very widely diffused over the territory, the colonial flocks of inferior breed having from time to time been gradually improved by crossing with the Saxon. The wool undergoes the usual process of washing on the animal's back in a running stream before it is shorn : it is then dried, shorn, and sorted ; after which

it is packed into bales, and forwarded on large drays drawn by oxen to Sydney, to be there shipped for London. The freight to London usually costs only from a penny to three half-pence per lb., the price in England varying from 1s. 6d. to 2s. 6d. per lb. Mr. Macarthur's wool for the year 1833 averaged 3s. 6d. per lb., the general average for that year being from 1s. 11d. to 2s. 9d.

The paramount importance of this branch of colonial produce will appear from the return of the quantity of wool exported from New South Wales for each successive year, from 1819 to 1835, inclusive; the quantity exported in the first of these years being only 71,299 lbs., while the exportation for 1835 amounted to 3,776,191 lbs., *and the amount of this principal article of colonial export having more than doubled itself during the three years that have elapsed since the publication of the first edition of this work.* Sheep in New South Wales generally double their number every four years—in many instances in less than half that period; and as there is an unlimited extent of pasture to the northward, as well as to the southward and westward, the quantity of wool that will be exported from the colony in a few years hence, will be great beyond belief in England. An intelligent merchant in Sydney has calculated that the export of this principal article of colonial produce will in all likelihood realize half a million sterling in the year 1840. The quantity of British produce of every description, which this large income from a single article of colonial produce will enable the colonists to purchase, and the stimulus it will necessarily afford to commercial industry and enterprise both at home and

abroad, are considerations of the highest importance to every British statesman, and will doubtless evince the propriety, if not the necessity, of permanently attaching the colonists to the mother country, by allowing them a share for the future in the management of their own pecuniary affairs. I am confident there is no colony in the empire, in which there is at this moment a stronger feeling of affection towards the mother country than there is in New South Wales, or one in which the continuance of that affection, and of all the important advantages which it will undoubtedly be the means of ensuring to the mother country as well as to the colony, can be secured at less expense. The colonists of Australia will doubtless at some future period establish a republican government for themselves, and elect a President of the Australian States ; for it is a singular fact in the history of nations, that Great Britain, with an essentially monarchical government, has for a long time past been laying the foundations of future republics in all parts of the globe ; and will doubtless be left at last, like the unfortunate hen that has hatched ducks' eggs, to behold her numerous brood successively taking the water.* But while such a consummation, whenever it shall be realized, will be no real loss to the mother country, provided the habits of commercial intercourse between the colony and Great Britain are in the mean time formed and fostered by good government ; there is

* Mr. Fox observed of the British Government thirty years ago, that it was a *disguised republic*. This perhaps explains the anomaly. Besides, the disguise is much less complete now than it was even in Mr. Fox's time.

nobody at present, of any pretensions to common sense in New South Wales, who ever dreams of its speedy realization, far less desires it.

In connexion with this subject, and in illustration of the rapid progress of the colony in its commercial relations, I may remark, that there is a prospect of establishing a considerable direct trade in the article of wool, as well as in other articles of colonial produce, between New South Wales and the United States of America. The Tybee, an American trader from Salem, New England, arrived in Port Jackson with a cargo of American produce, by way of experiment, in the year 1832. She sold it, I have reason to believe, to advantage in Sydney, and afterwards returned to America. The result of the commercial intercourse that has thus been established between the colony and that powerful republic, will be found in the Appendix, No. 13.

A very prominent, if not the most important branch, of the trade of New South Wales at the present moment, is the sperm and black-whale fishery, in which no fewer than forty-one square-rigged vessels of various tonnage are now employed out of the port of Sydney. These vessels are all furnished with provisions for their voyage of the produce of the colony; their whaling-gear is chiefly manufactured of New Zealand flax by the rope-spinners of Sydney; and the large sums of money distributed among their officers and crews, on their return to port after a successful voyage, are all expended in the colony. At Twofold Bay, near Bass's Straits, on the east coast of New Holland, and on the southern coasts of New Zealand, there are establish-

ments belonging to merchants in Sydney for the black-whale fishery ; the oil of that species of whale, or the common train-oil of commerce, being always *tried out* (to use the technical phrase) in boilers erected on shore. The black or right whale is of the species that is caught exclusively in the Greenland Seas. The sperm-whale fishery, however, is by far the most important of the two ; and the whaling ground, chiefly traversed by vessels from Sydney, extends all over the Western Pacific, from the Heads of Port Jackson to the sea of Japan. The length of the voyage, in these hunting expeditions, depends entirely on the success of the vessel ; and the latter depends, in great measure, on the experience and ability of the officers and crew. The colonial whale fishery has not been pursued, to any thing like its present extent, for a sufficient length of time to train up so large a number of persons as have hitherto been required in the colony for so peculiar and so hazardous an occupation ; but experience is gained by every successive voyage, and the chance of failure gradually diminished.

The sperm whale is of the order mammalia. It breathes by lungs, is viviparous, and suckles its young : it is therefore obliged to rise frequently to the surface of the water for fresh air, and, in the operation of breathing, a large quantity of water is admitted along with the air into the animal's gullet ; but the water, being unnecessary for the purposes of respiration, is again violently ejected, by a process peculiar to the whale tribe, at an aperture called the spout-hole in the animal's forehead, forming a *jet-d'eau* or water-spout,

somewhat similar in its outline to that of a tall gooseberry bush, and inclining a little to the left. This operation is technically called *spouting* or *blowing*, and the sound of it at a small distance somewhat resembles the hollow abrupt bellowing of an angry bull. The sperm whale spouts regularly once a minute, and, when undisturbed, about sixty or seventy times in succession, remaining, of course, about an hour at the surface of the water. He then slowly raises his immense head and the upper part of his huge body above water, to place himself in a proper attitude for diving perpendicularly, and doubtless to acquire the impetus necessary for descending to the requisite depth; he then elevates in like manner his tremendous tail, the flukes of which are each about ten feet long, and immediately disappears. A common shoal whale, or one of the ordinary size, producing about five tons, or forty barrels of oil, remains under water about twenty-five minutes, and then rises and recommences blowing almost at the very spot where he had previously disappeared, if he has not been disturbed in the mean time. A *Bull-whale*, however, which produces about ninety barrels, or upwards of eleven tons of oil, remains under water from an hour to seventy minutes.

The sperm whale is gregarious in its habits, being generally found in large herds or shoals. I once saw as many, I think, as five hundred in one drove at the mouth of the Indian Ocean: they seemed like a large herd of cattle, and were moving leisurely along towards the western coast of New Holland. The bull-whale, however, is sometimes found traversing the ocean wilds

in solitary majesty ; being driven perhaps from the haunts of his tribe by the superior prowess of some more powerful antagonist, who thenceforth doubtless remains undisputed master of the seraglio. The affection of the female, or cow-whale, for her young is very strong—a circumstance observed even by the inspired penman : * and in coming up with a shoal, the whalers uniformly endeavour to *fasten* to a calf or young whale, as in that case they are sure to get the mother at all events, if not several others of the shoal ; for the mother especially, and sometimes all the adults, remain close to the spot, swimming about in a state of evident trepidation till the *dear little innocent* either obtains its liberty or dies.

On the whaling ground there are always two or three men, including the officer of the watch, at the mast-head, looking out for whales from the dawn of day till sunset. When a whale is seen, the man who descries it, shouts, or rather chants, “ *There she spouts,*” and in a minute after, “ *There again.*” The officer below then asks “ *Where?*” and the man aloft replies, as it may be, “ *On the weather-bow ; on the larboard quarter ; on the lee-beam,*” or “ *right aft.*” If the whale is seen at a considerable distance to leeward, the vessel immediately makes sail in that direction, to lessen the labour of rowing and to cover the boats ; if it is seen to windward, the boats are lowered immediately. On coming up with the whale, the headsman launches a harpoon at the most vulnerable part of the huge animal’s body,

* Lamentations iv, 3.

in which of course it remains fast. The harpoon has always a long line attached to it, the end of which is fixed at the stern of the whale-boat. The whale no sooner feels himself wounded, than he darts off with inconceivable swiftness, dragging the boat along with him ; but so prodigiously is the resistance of the water increased by the velocity of the motion, that although the line by which it is dragged along passes over the bow, all the fore part of the boat is elevated completely above water, and the stern part of it actually sinks beneath the level of the surrounding element.* The whale at length stops for a second or two, and the boatmen instantly seize the opportunity of pulling up close to him again. A second harpoon is then launched at him, and he is attacked at the same time with a lance ; the headsman sometimes setting his shoulder to the lance to force it home. This process, which it is evident must excite an intense interest in all concerned, independently of the consideration of emolument, is repeated till the animal is at length mortally wounded and completely exhausted. When this is the

* The whale sometimes dives right down when he feels himself wounded. An intelligent shipmaster in the colonial trade, who had spent the earlier part of his life in the Greenland Whale Fishery, has told me that he was once *fast* to a large whale, on the coast of Greenland, which descended perpendicularly as soon as he had received a single stroke of the harpoon, and carried down six lines of a hundred and twenty fathoms each, which were successively attached to each other. When the sixth line was nearly all out, the strain upon it suddenly ceased ; and on being pulled up, the whale rose to the surface quite dead, with both his jaw-bones broken. The animal must have descended to a depth of nearly 4320 feet, or upwards of three quarters of a mile, and struck a rock or other hard substance at the bottom.

case, he slowly rears the upper part of his immense body above water, trembling convulsively all over, and forthwith throws himself upon his side, and dies. It sometimes happens, however, when a boat approaches too close to the whale, that the animal suddenly strikes it with his tail, and either upsets it or dashes it to pieces. When no such accident happens, the carcase is towed alongside the vessel, and the blubber is then cut off and tried, or boiled into oil, in large iron pots erected for the purpose on the ship's deck, the refuse serving as fuel to boil the rest.

Very few of the colonial sperm whalers carry a surgeon; and it would doubtless prove advantageous to all parties engaged in this branch of trade, as well as serviceable to the cause of humanity, for the local legislature to pass an act obliging them to do so in every instance: for accidents happen more frequently on board whalers than in other vessels; and in voyages of so long a duration as whaling voyages necessarily are, diseases, especially those of the scorbutic family, not unfrequently occur; in which, although the proper medicines may be duly administered and the proper treatment pursued, the mere absence of a surgeon will often render a case of no real danger in itself absolutely fatal, from the mental despondency which that class of diseases uniformly induces, and the feeling of absolute helplessness and hopelessness which the want of medical aid naturally occasions. Besides, the presence of a young man of good education, in the capacity of a surgeon on board each of the colonial whalers, would in all likelihood tend greatly to hu-

manize the officers and crew, many of whom are somewhat rough in their manners.

The wages, or rather emoluments, of a mariner employed in whaling depend entirely on the success of the voyage. The vessel is fitted out and provisioned by the owner, and each person on board receives as his wages a certain proportion of the value of the whole cargo of oil with which the vessel returns to port. This proportion is technically called a *lay*, the captain's lay being a twelfth, the first-officer's a twenty-fifth, and the common seaman's a one hundred and twentieth part of the whole cargo. In the colonial sperm-whale fishery, the captain has the privilege of sending his oil home to the best market in London ; the rest of the ship's company stipulating to sell their proportion to the owner, who runs all the subsequent risk, and bears all the subsequent expense, at £30 a ton. It generally sells in London at from £60 to £75.

It may seem preposterous to hazard such an assertion, but it is nevertheless the fact, that the progress of the sperm-whale fishery of New South Wales is intimately connected with the moral welfare and advancement of a most interesting portion of the great family of man. The London sperm-whalers are generally large vessels ; they are seldom less than four months in reaching the whaling ground ; and are frequently from two to three, nay, sometimes even four years, on their voyage. During that period the sailors become in many instances completely brutalized ; and when they land for refreshments on the South Sea Islands, their conduct is often infamous in the extreme : for, independently of the unhallowed operation of their own vicious propensities,

they are too far from home in these islands to be influenced by any fear of the laws, or by any regard for public opinion. The colonial whalers, on the contrary, are generally of smaller size ; and, arriving on the whaling ground immediately after leaving their port, they are filled in a much shorter time, and the voyage is consequently of a much shorter duration ; the average length of a whaling voyage from Sydney being from ten to fifteen months. The officers and crews of the colonial whalers have thus a much stronger inducement to marry and rear families of their own, as not a few of them have already done, than those of the London whalers ; while, on the other hand, the communication between the colony and the South Sea Islands is so frequent and direct, that any flagrant act of misconduct in these islands would very speedily be reported in the colony, and in all likelihood subject the perpetrator to the penalties of the law. It will doubtless be gratifying to the reader to be informed that several of the Sydney whalers are Temperance ships.

The idea of establishing a sperm-whale fishery, or rather a rendezvous for vessels employed in that trade, at Sydney, appears to have suggested itself so early as the year 1791, to a Scotchman of the name of Melville, the master of a whaler belonging to Messrs. Enderby and Sons, of London, who had carried out a cargo of convicts to the colony, on his way to the whaling ground on the north-west coast of America.*

The colonial sperm-whale fishery, however, is, comparatively, but of very recent origin. I do not think

* See Appendix, No. 14.

there were more than two vessels in the trade, out of Sydney, when I arrived in the colony for the first time in the year 1823. In the beginning of the year 1826, there were five or six; but in August, 1830, there were twenty-six. They have been gradually increasing ever since, the number of whalers belonging to the port of Sydney being now forty-one. For a return of the produce of the colonial fisheries for the nine years preceding the first of January, 1836—the value being according to the Sydney Custom House estimate, which is greatly under the truth—together with a list of the colonial whalers, see Appendix, No. 15.

The *phormium tenax*, or New Zealand flax—a substance which combines the qualities of the common flax and of the hemp of Europe—constitutes also an important article of colonial export, and affords employment in a considerable degree to colonial industry. The *Phormium tenax* is similar in appearance to the common English flag: it is dressed chiefly by the native women of New Zealand, who scrape off the outer part of the leaf with muscle-shells; after which operation the internal and fibrous parts of the plant, which resemble filaments of dressed flax, is exchanged for British goods and shipped to Sydney, where it is either manufactured into ropes and whale-lines, or exported to London. It has recently, I have been given to understand, been manufactured into fabric either in England or in France. If this is the case, and if it should be found to succeed, as I have no doubt it will, it will become a much more important article of colonial ex-

port than it has hitherto been. Its value in Sydney varies from £15 to £25 a ton. There are thousands of acres of the plant along the rivers and lakes of New Zealand; and when the reader is informed that the native population of that island, or rather group of islands, is estimated at half a million of souls, he will be able to form some idea of the future extent and importance of a species of commerce but recently embarked in by colonial merchants.

Indeed, the colonial trade with New Zealand, in which there is now a considerable number of European settlers, chiefly from New South Wales and Van Dieman's Land, besides several ship-building and trading establishments, is daily increasing in importance. During the six months preceding the 30th June, 1835, there were no fewer than forty-two arrivals at the Bay of Islands, the principal port on the east coast of New Zealand, and thirteen at Hokianga, the principal harbour on the west coast: among the former were twelve trading vessels from New South Wales. The imports from that island are chiefly plank, spars, flax, black oil, potatoes, and maize.*

Besides the vessels belonging to Sydney that are employed in the colonial whale-fisheries, there are many other colonial vessels of various sizes employed in the coasting trade, and in the trade to New Zealand, Van Dieman's Land, and the Isle of France. The export of cattle to Van Dieman's Land has for several years past afforded regular employment to a considerable number

* See Appendix, No. 16.

of large vessels. Two Scotch gentlemen of the name of Imlay, the one a surgeon in the navy and the other a surgeon in the army, have embarked largely in this trade, and have had a large establishment for the purpose at Twofold Bay, on the east coast to the southward of Port Jackson, for several years past. The cattle are purchased all over the colony and driven over land to Twofold Bay, where they are embarked for Hobart Town, Van Dieman's Land. Messrs. Imlay had contracted to land four thousand head of cattle in that island, where their value is about £10 a head, during the year 1836; but as Twofold Bay is beyond the present limits of the colony, this branch of the colonial export trade is not included in the colonial returns.

It is extremely gratifying to observe the salutary influence of the commerce of the colony, in extending a knowledge of the arts of civilization to many of the semi-barbarous inhabitants of the islands of the vast Pacific. In most of the Sydney whalers, New Zealanders, Tahitians, and natives of the Friendly Islands, are employed as sailors—an occupation, for which they seem peculiarly fitted, and of which, from their insular position, they are naturally fond. On my second voyage from New South Wales to England, in the year 1830, we happened to fall in with a schooner bound for Sydney, and laden with New Zealand produce, near the North Cape of the island. There were several New Zealanders on board the schooner, each of whom had a few mats and other articles of the manufacture of the island, which they intended to barter in Sydney for British goods. On their coming on board our vessel,

I offered to purchase one of the mats from a young New Zealander of very interesting appearance, who had all the lower part of his face tattooed ; and I accordingly offered him two half-crowns, which I was told was the price of the article in Sydney. The cautious native, however, would not conclude a bargain till he had ascertained from the master of the schooner, who could converse with him fluently in his own language, what quantity of the articles he wished to procure could be purchased for the two half-crowns in Sydney ; and when he was told the exact quantity, which he found was rather smaller than he had calculated on obtaining, he held up three of his fingers, signifying that I should have the mat for three half-crowns, which I accordingly gave him. That I might not, however, be less satisfied with my bargain than he was with his, he gave me, in addition to the mat, the tail-feathers of a small bird which the New Zealanders prize very highly as an ornament for the head.

In the vessel in which I made the voyage from New South Wales to London, in the year 1824, there were a native of Raiatea, one of the Society Islands, and a native of New Zealand, acting as common sailors. The former was named Parara (a duck) : he was a Christian, and had his little hymn-book in his own language, which he read carefully whenever he had an opportunity. The name of the New Zealander was Toki (an axe) : he was a heathen, and could only speak a few words of English. They were both excellent sailors : Toki, in particular, was considered as the best helmsman on board. Nothing, indeed, could divert his atten-

tion from the compass, or the sails, or the sea; and whenever I saw him at the helm, and especially in tempestuous weather at night, I could not help regarding it as a most interesting and a most hopeful circumstance in the history of man, that a British vessel of 400 tons, containing a valuable cargo, and many souls of Europeans, should be steered across the boundless Pacific, in the midst of storm and darkness, by a poor New Zealander, whose forefathers had from time immemorial been anthropophagi, or eaters of men.

I saw Parara on board the vessel in the London Docks, about a fortnight after our arrival in London, in the month of January, 1825: he was very ill, and had a hollow consumptive cough, of which I was apprehensive he would have died, though I was gratified to learn afterwards that he had recovered, and returned to the colony in good health, and had at length reached his native island. When I asked him, however, where, and how Toki was, he replied, with evident emotion, not unmingled with apprehension, "*Poor Toki dead!*" The atmosphere in the South Sea Islands, and indeed in New South Wales also, is so remarkably dry, and even arid, (the common English hygrometer generally standing at zero,) that it is almost death for a native of these islands to breathe the humid atmosphere of England, especially in the winter season. Indeed, the climate of Great Britain is as fatal to the South Sea Islanders as that of the East or West Indies to the great majority of Europeans, whom either the call of duty or the hope of fortune allures to these regions of death.

There is one circumstance connected with the com-

merce of New South Wales, which well deserves the attention of His Majesty's Government, as well as of all members of Parliament who may have it in their power to promote the welfare, and to accelerate the advancement of the colony, either by according it liberal institutions, or by directing a portion of the unemployed capital and the redundant population of Britain to its shores. The circumstance I allude to is, that all the trade of the colony with the mother country, i. e. nine-tenths of its whole commerce, is carried on exclusively in British vessels navigated exclusively by British seamen; and that consequently every addition to the population and resources of the colony must afford correspondingly additional employment to British sailors and British ships. Nay, as the natives of New South Wales are generally disinclined to a seafaring life, the colonial whalers and coasting vessels are almost exclusively navigated by natives of the mother country: and although several vessels of considerable size have been built in the colony within the last few years, for the whale fisheries and the coasting trade, it is the general opinion that ship-building will not be carried on to any extent in the colony, and that British-built vessels will continue for a long time to come to be the most numerous class of vessels in the Australian seas.

The return, which the reader will find in the Appendix, No. 17, will afford him the means of judging of the present extent of the colonial marine. In accordance with the preceding remarks, he will find that the colonial-built vessels are but few in number in com-

parison with those belonging to the colony that have been built in England.

In short, there is no colony in the empire, of which the extension and advancement are more directly calculated to extend and to confirm the maritime empire of Britain, than that of New South Wales; and so far from the vast distance of that colony being likely to lead to an opposite conclusion, that very circumstance rather implies and evinces the necessity for the employment of a proportionably greater number of British sailors and British ships. In this important particular, the colony of New South Wales is unquestionably of incomparably more value to the mother country than any of the North American colonies—I mean in proportion to the respective population of each. The Canadian trader, for instance, is probably built on the river St. Lawrence, to the manifest injury and loss of the British ship-builder; the New South Wales trader is built exclusively in England. The voyage to and from Quebec occupies at the utmost only three or four months, and the importation of a cargo of Canadian produce into any of the ports of the mother country consequently affords employment only for that short period to the British ship and the British sailor; both being in all probability unemployed for a considerable part of the year: but the voyage to and from New South Wales occupies at least twelve months, and the importation of a cargo of Australian produce consequently affords constant employment for that long period for both vessel and crew.

In connexion with the trade of the colony, it will

doubtless be interesting to the mercantile reader to ascertain the extent and condition of its banking establishments. Of these there are four in the colony, besides the Savings' bank, and the Bathurst bank for the settlements beyond the Blue Mountains in the interior. The returns from these establishments, for which I am indebted to the diligence of a gentleman in Sydney, whose name I am not at liberty to mention, will afford all the information on the subject which can be desired.*

The Estimate of the Expenditure of the Colony for the year 1837, ordered to be printed by the Legislative Council in June 1836, together with the ways and means to meet that Expenditure, as estimated by the Governor, will be found in the Appendix, No. 19.

* See Appendix, No. 18.

CHAPTER X.

VIEW OF THE PRESENT STATE OF AGRICULTURE
AND OF THE AGRICULTURAL INTEREST IN NEW
SOUTH WALES.

The Lord thy God bringeth thee into a good land—a land of wheat, and barley, and vines, and fig-trees, and pomegranates; a land of olive and honey; a land, wherein thou shalt eat bread without scarceness; thou shalt not lack any thing in it; a land, whose stones are iron, and out of whose hills thou mayest dig brass.—*Deuteron. viii. 8, 9.*

THE whole territory of New South Wales is divided, like that of Great Britain, into counties and parishes; the number of counties * being twenty. These divisions however, are scarcely ever referred to in the common intercourse of colonial life. Except in Government deeds or legal documents, the grand natural divisions of the country are the only ones known or recognised by the colonists, who accordingly speak only of the districts of the Hawkesbury, of Hunter's River, of Bathurst, of Illawarra, of Argyle, and of Port Macquarie.

The district of the Hawkesbury comprises a consider-

* Their names, with their contents in square miles and acres, will be found in the Appendix, No. 20.

able extent of champaign country along the eastern base of the Blue Mountains, on either side of the noble river from which it derives its name. This tract of country was for a long time the granary of the colony, and has uniformly been under cultivation; being subdivided for the most part into small farms of thirty to a hundred acres, the proprietors or tenants of which subsist almost exclusively by agriculture. The forest-land in this district, or the land beyond the reach of inundations, is devoted chiefly to grazing; the flooded land along the banks of the river being the most suitable for cultivation. I have already observed, that the Hawkesbury is formed of the confluence of various minor streams issuing chiefly from the gloomy and untraversed ravines of the Blue Mountains; and I have also observed, that that mountain-range, which runs parallel to the coast at about forty miles' distance inland, consists of vast masses of sandstone rock, covered in every direction with large trees. In the summer months, and especially in seasons of drought, extensive conflagrations occur occasionally on the mountain-ranges either from accident or from design, the aborigines frequently setting fire to the herbage to enable them the more easily to hunt down the native game; and in seasons of flood vast quantities of the pulverized residuum of burnt vegetable matter, mixed with the washings of the sandstone rocks of the mountains, are accordingly carried down to the river by its numerous tributary mountain-torrents, and afterwards spread over the champaign country in the form of alluvial deposit. It is from these successive deposits or top-dressings that the district of the Hawkesbury de-

rives its fertility ; for the system of agriculture that prevails along the banks of the river is as slovenly as can well be imagined, the surface being for the most part merely scratched, and nothing like a proper rotation of crops being ever dreamt of. Wheat, year after year for twenty years together, and sometimes wheat and maize in succession off the same ground during the same year, is the Sangrado system of husbandry that prevails on the Hawkesbury.

The district of Hunter's River to the northward of Port Jackson comprises a much larger extent of flooded land, and the forest-land beyond the reach of inundation is in general of much superior quality and of much greater extent. The land in this district is divided for the most part into large farms of from 500 to 2000 acres and upwards. These farms, or estates, as they are somewhat ambitiously styled in the colony, are principally held by respectable free emigrants from the mother country, each of whom maintains and employs on his farm a number of convict-labourers in the capacity of farm-servants. These labourers are generally under the management of a hired overseer, who is always supposed to be well acquainted with the various processes of Australian agriculture. In this district, grain, chiefly wheat and maize, is cultivated to a great extent ; but in the upper parts of the district, at a distance from the navigable part of the river, the settlers depend chiefly on their flocks and herds, and cultivate only as much grain as is requisite for the supply of their respective establishments. Dairies are frequent throughout this extensive district ; and large quantities of butter and cheese of

superior quality are forwarded regularly by the steam-boats to Sydney, where it is either sold by commission-agents in wholesale, or retailed on behalf of the settler by some trusty person in the market.

The district of Bathurst consists partly of an undulating plain of about nineteen miles in length, and of a breadth varying from four to eight miles, beyond the Blue Mountains. It is naturally destitute of timber, and is traversed in the direction of its length by the river Macquarie; the banks of which are occasionally lined with swamp oaks, (an indigenous tree somewhat resembling the Scotch fir, but rather more ornamental,) which tend greatly to diversify, and of course to beautify the scene. The land in this district, with the exception of small portions in particular localities allotted to veteran soldiers and emancipated convicts, is parcelled out into large farms of 2000 acres each, the proprietors of which, being almost uniformly highly respectable free emigrants, have each numerous convict-servants and extensive flocks and herds. The extent of the land-carriage to Sydney precludes the Bathurst settlers from cultivating more land than is absolutely necessary for the subsistence of their respective establishments; but the dairy produce of the district, consisting chiefly of cheese of superior quality, is regularly forwarded to the dealers in Sydney. Large herds of black cattle are also fatted for slaughter on the native pasture of the open forest-country around the plain, and numerous waggon-loads of fine wool are annually forwarded to Sydney in the proper season to be shipped for London.

The district of Argyle extends to a great distance to

the south-westward. Towards Sydney it consists of occasional patches of land of the first quality, surrounded by extensive tracts of the most barren country imaginable. At a greater distance, however, the barren country gradually disappears, and is succeeded by a series of extensive plains, covered with the richest pasture, and picturesque grassy hills of moderate elevation. The land in this district is occupied in much the same way as in the settlement of Bathurst; and the settlers are of a similar class, and in similar circumstances, with those beyond the Blue Mountains.

The district of Illawarra is situated on the sea-coast to the southward of Port Jackson, and consists of a narrow stripe of arable land of the first quality, situated between the ocean and the eastern base of a range of mountains running parallel to the coast, and commencing at about forty-five miles from the Heads. The average breadth of this belt of land is from four to six miles, and its length about sixty. There are several extensive tracts in the district of Illawarra in the hands of non-resident proprietors—a circumstance which is always to be regretted wherever it occurs in the colony—but its resident inhabitants consist chiefly of small settlers, who cultivate grain, potatoes, pumpkins, &c. for the Sydney market, their produce being conveyed to the capital by water in small coasting-vessels. The cedar-tree, both white and red, abounds on the mountains of this district and in the deep gulleys that traverse them in every direction; and the cutting and conveying of the timber to Sydney affords employment to a considerable population, somewhat similar, both in

habits and character, to the lumberers of Canada. The cedar of New South Wales is used all over the colony for all sorts of cabinet and joinery work: it is somewhat similar in appearance to Honduras mahogany, and the choicer specimens take a fine polish. Churches and other buildings of a similar internal arrangement in the colony have consequently a much more imposing appearance in their interior than buildings of a similar description in England, being literally *houses of cedar*. The cedar of New South Wales is remarkably light; its specific gravity not being greater, I should imagine, than that of the white pine timber of North America. It is cut into lengths of about twelve feet for the convenience of rolling it out of the woods, and of stowing it in the holds of the small coasting-vessels that carry it to Sydney. Its price depends on the number of buildings going on in the colony at any particular time; but it is generally sold at two pence to three pence per superficial foot of one inch in thickness.

The district of Port Macquarie, formerly a penal but now a free settlement, situated on the east coast about 200 miles to the northward of Port Jackson, has for some time past been attracting considerable attention on the part of free emigrants recently arrived in the colony. It is traversed by the River Hastings and its tributaries the Wilson and Maria Rivers, that flow into it from the northward, on the banks of all of which there is a much larger extent of valuable alluvial land, suited for all sorts of cultivation, and especially for the cultivation of tobacco, than is to be found in the district of Hunter's River. About ten or twelve miles to the

northward of the head of the navigation of the Maria river, which pursues a southerly course to the Hastings, another large river, the M'Leay, is found pursuing a north-easterly course through a rich alluvial country, and emptying itself into the Pacific at Trial Bay, in latitude 30° south. As Port Macquarie is a bar harbour, and at times rather dangerous: Captain Barney, of the Royal Engineers, the present able and active Director of Public Works in New South Wales, has recently been directed to make a survey of Trial Bay, to ascertain whether it would not be preferable to form the principal settlement for the northern division of the territory in that locality rather than at Port Macquarie. The forest-land at some distance from the banks of all these rivers is well adapted for the rearing of sheep and cattle; and still farther to the northward and westward, there is an extensive and elevated tract of pastoral country called the Table Land, already occupied by colonial settlers with their numerous flocks and herds.

Besides the districts I have enumerated, there are various other tracts of land of great extent both within and beyond the present limits of the colony, already partially occupied by enterprising colonists for the purposes of grazing. There is the extensive tract of pastoral country, called Liverpool Plains, lying between the sources of the Hunter and the Hastings, and bounded by two parallel ranges of mountains, from which narrow belts of forest traverse the plains at irregular intervals, and divide them into a series of natural parallelograms. I have already mentioned that a large section of these plains, which are still beyond

the limits of the colony, has recently been appropriated for the Australian Agricultural Company; but the remaining portion, which of course is open to free settlers, is at present occupied by numerous squatters. About eighty miles to the westward of Bathurst, there is an equally extensive tract of pastoral country in the vicinity of the settlement of Wellington Valley on the banks of the Macquarie river, now in the occupation of a mission to the aborigines; and there are grazing stations at a similar distance to the south-westward on the banks of the river Lachlan. The coast line is occupied at irregular intervals to the southward of Illawarra, as far as Bateman Bay; and numerous colonists are ever and anon pushing their flocks and herds farther and farther into the great *terra incognita* to the southward and westward, either along the banks of the Morumbidgee, or across Maneira plains, to the eastward of the Snowy Mountains, as far as Twofold Bay.

It appears to me, that the natural and proper order of things, in regard to the occupation and employment of land, and the distribution of rural labour in New South Wales, is, that the business of agriculture, or the supplying of the colonial market with grain, potatoes, pork, poultry, vegetables, fruit, &c. should be in the hands of small farmers, or industrious families and individuals of the humbler classes of society, cultivating the land with their own hands either as tenants or small proprietors; and that the more extensive proprietors should confine their attention to their flocks and herds, supplying the colony with beef and dairy produce, and

raising wool for exportation to England. Several of the most extensive and intelligent landholders in the colony have accordingly told me, that if they could get reputable and industrious persons to occupy a portion of their lands as tenants, and to pay them a moderate rental in produce, they would give up cultivation entirely. Indeed it is a general complaint among the landholders of the colony, that agriculture, or the cultivation of land, does not pay; or, in other words, that it is not profitable for a colonial landholder, who perhaps has received two thousand acres of land as a free grant from the Crown, to keep from twenty to forty convict-labourers to cultivate a part of that land to raise grain for the colonial market. I have had sufficient opportunity, however, to know that it *does* pay a poor man, who has perhaps a wife and three or four children besides himself to maintain by his own industry, to occupy ten or twenty acres of that very land on lease at a rental of perhaps twenty shillings an acre, and to cultivate it with his own hands, and to carry his produce to market in his own bullock-cart.

Such a state of things, however, is rather a subject of congratulation than of regret; for it shows, that if many thousand families and individuals of the labouring agricultural population of Great Britain and Ireland were by any means to be introduced into the colony, they could obtain a comfortable subsistence by the cultivation of land held on lease at a moderate rental; while it shows, on the other hand, that it would be more profitable for the landholders to let their arable land to such tenants than to cultivate it themselves by

convict-labour. At the same time, as the land best fitted for cultivation in New South Wales is generally in its natural state the least adapted for grazing, the bringing of a much larger extent of the best land in the colony into cultivation would scarcely occasion any perceptible alteration in its present circumstances as a pastoral country. The thick brushes or jungles on the banks of the rivers would disappear, and their place would be occupied by neat cottages inhabited by an industrious and contented peasantry; but the sheep and cattle of the colony would range over its vast plains and grassy hills as before. In the mean time, however, a salutary change of mighty importance to the moral welfare of the country would be gradually effected; for, as the larger proprietors would require fewer convict-servants, the prison population of the colony would be more widely dispersed over the territory, and the probability of their return to the paths of virtue proportionably increased.

But although the cultivation of land in New South Wales is generally unprofitable, when engaged in on a large scale by extensive landholders, the reader is not to suppose that it is uniformly so. A proprietor, who is able to manage a considerable number of convict-servants with ability—which however is a case of very unfrequent occurrence—will find the cultivation of land by no means unprofitable, even at a low state of the colonial market; but the investment of his capital in sheep and cattle will in all likelihood be attended with much less trouble, and afford him a much better return in the end.

A large proportion of the respectable settlers throughout the colony suffered extremely, I have already observed, from the sheep and cattle mania of 1826, and from the unprecedented depression of property that ensued: I am happy to state, however, that things have long since reached their proper level; and it is extremely improbable, indeed it is scarcely possible, that any such change in the value of property, as was then so unfortunately and so extensively experienced, will ever again occur in the country. The colonial settlers generally have not only completely recovered their lost ground, but many of them, from the increase of their flocks and herds, from the general rise that has taken place in the value of land and grazing stock throughout the colony during the last three years, and especially from the high price of wool in the English market, have already acquired a degree of wealth and independence which is but seldom realized in the most prosperous colonies in other parts of the world, and which few of the settlers themselves could ever have anticipated when they left their native land.

Cattle of good breeds might be purchased in New South Wales in the year 1833, at from twenty to thirty shillings a-head; sheep of improved breeds at fifteen shillings; and horses, either for draught or for the saddle, at from £10 to £30. The price of all these descriptions of stock is now, however, at least double these amounts—the rise having taken place chiefly during the years 1835 and 1836—and there is no probability of a diminution of their present value for years to come. A large tract of land, however, may still be

stocked with a comparatively moderate amount of capital ; and when the settler's own land begins to be overstocked, which will very soon be the case, if his sheep and cattle are well managed ; he has only to send a portion of his flocks and herds, under the charge of an overseer and a few shepherds, or stockmen, into the interior, where he will obtain a lease of as much pasture-land as he requires from government at a mere nominal rental. Cattle and horses require very little attendance ; a very few individuals being sufficient to manage a herd of cattle of from five hundred to two thousand head. When a large herd of this kind is sent into the interior, under the charge of an overseer and a few *prisoners*, or *government-men*, as the convict-servants are uniformly designated in the colony, supplies of flour, &c., are forwarded at regular intervals to the party from the proprietor's home-station, on drays drawn by oxen, or on the backs of these animals, if the intervening country is of a rugged and mountainous character ; and the proprietor himself visits the station occasionally on horseback. But the huts and stock-yards are no sooner erected, than the overseer, if an industrious and trust-worthy person, fences in a piece of ground, and raises as much wheat as is requisite for the supply of his party ; thereby rendering farther supplies of flour from the home-station unnecessary. Out-stations of this kind are each supplied with a portable steel-mill.

The vast number and the rapid increase of cattle in New South Wales, have, within the last few years, induced several of the more extensive cattle-proprietors in the

colony to attempt the salting of beef for exportation ; and there are already several establishments for that purpose both in Sydney and in the interior. Several of these attempts, it must be acknowledged, have been attended with failure : this, however, is attributable to obvious causes. The cattle are generally slaughtered at too early an age for such a purpose ; the salt manufactured in the colony is not always sufficiently purified of its septic principle ; while, in some cases, a want of the requisite knowledge, a disposition to knavery, or absolute carelessness, may have occasioned a failure. But colonial beef is now generally used on board the colonial sperm-whale ships on their long voyages : it has been pronounced of excellent quality by officers of His Majesty's ships on the India station ; and a tierce, which was sent home to England by way of experiment, in the vessel in which I made my second voyage from New South Wales to London in the year 1830, was opened in the West India Docks in presence of gentlemen who were quite competent to ascertain its quality, and pronounced equal to Irish. It is not improbable, therefore, that colonial beef will eventually be regularly exported to London in return for British manufactures ; especially as the landholders of the colony have repeatedly been able to sell it to the colonial government in a fresh state within the last few years at three farthings a pound. It is doubtless considerably dearer at present, but it still forms an article of regular export to Van Dieman's Land, notwithstanding the comparatively extensive exportation of live cattle to that island during the last three years by Messrs. Imlay of Twofold Bay.

Hides and horns are already articles of export from New South Wales to London, and the quantity exported is annually increasing.

Sheep-farming, however, constitutes the principal dependence of the Australian landholder; and the peculiar adaptation of the soil and climate to the growth of wool on the one hand, and the unlimited demand for that important article of colonial produce on the other, not only in Great Britain, but in France and America, will doubtless render it expedient that he should make it the first object of his attention. A sheep-station in New South Wales is managed in pretty much the same manner as a cattle-station. If the country consists of open plains destitute of timber, as many as a thousand sheep are sometimes entrusted to a single shepherd; if it is moderately wooded, as is much more frequently the case, there is a shepherd for every flock of three hundred and fifty. The sheep are folded every night in a pen, or fold, constructed of moveable hurdles; and the shepherd, attended by his dogs, sleeps in a small moveable covered berth constructed on a frame somewhat like a hand-barrow outside the fold; the sheep being sometimes attacked during the night by the native dog of the colony. The lambing season is in some instances at the commencement of winter, in others in the beginning of summer. The sheep-shearing uniformly takes place at the latter season; each fleece, of animals of improved breed, averaging from two to two and a half pounds. The wool is packed in bales wrapped in canvas, and forwarded for exportation to Sydney on large drays generally drawn by oxen.

Some of the more extensive sheep-farmers send home their wool direct to their agents in London, where it is sold according to its quality at from one to three shillings (the freight to London being only three halfpence) a pound. It is generally, however, either bought or received for consignment by merchants in Sydney, some of whom employ wool-sorters of their own to assort and repack it for the London market. The number of sheep in New South Wales, on the first of January 1837, would probably be not less than two millions; and settlers, deriving incomes of from £400 or £500, to £4000 or £5000 a year, principally from this source, are now to be met with all over the colony. Indeed, I am confident, there is no other country on the face of the globe in which there is a larger number of individuals, in comparison with the whole amount of the population, enjoying incomes of upwards of £500 a year, than there is at this moment in New South Wales.

The sheep is subject to a variety of diseases, some of which are not unknown to the Australian flock-masters. In some seasons, and especially in swampy situations, the disease called *the rot* occasions extensive mortality; but the cutaneous disease called *the scab* is of much more frequent occurrence. As this disease generally arises from carelessness, it has been the subject of a colonial enactment called *the scab bill*, the provisions of which gave occasion at the time of its enactment to much discussion among the sheep-farmers of the colony. The scab is a highly contagious disease, and sheep in a clean and healthy state may be infected with it to a

great extent by merely being brought into contact with a diseased flock for a few hours: when a convict-shepherd, therefore, has a pique at his master, or even at his overseer, it is often in his power to subject the whole of his master's flocks to this obnoxious disease, by merely driving his own flock to a distance of a few miles from their usual pasture, when there is nobody present to take cognisance of the fact, and by thus bringing them into contact with a diseased flock. The chief source of the wealth and prosperity of the colony is thus in great measure at the mercy of the most worthless of men; but even men of this description are now so difficult to procure, in comparison with the rapidly increasing annual demand for shepherds all over the colony, that it is the opinion of the most intelligent proprietors of New South Wales, that if there should not be a large annual importation of free emigrant shepherds from the mother country into the colony, the owners of sheep throughout the territory will in future be under the necessity of reducing, or rather of preventing the increase of, their flocks. I trust, however, that such an importation will now be effected through the means already in operation for the encouragement and promotion of emigration to New South Wales. There are many reputable persons of the class of shepherds in the mother country who now find it difficult to obtain a livelihood at home, but who could easily make themselves both comfortable and independent by pursuing the very same occupation in New South Wales, while their moral influence in the colony would be salutary in the highest degree. The conveyance

of such persons to New South Wales, which I am happy to add can now be effected by means of the colonial land-revenue without expense to the emigrants themselves, would therefore be a mutual benefit to the mother country and to the colony; for, while it would tend greatly to increase the raw produce of the colony, it would relieve the mother country of a portion of her superabundant population, and obviate the necessity of importing wool into Great Britain from Germany and Spain.

The breeding of horses for exportation is not likely to be of much consequence to New South Wales: a considerable number have from time to time been exported to Van Dieman's Land, and a few to Swan River; but these colonies are now perhaps sufficiently stocked with that animal. A considerable number have been exported during the last three years, as cavalry horses for the Indian army; Captain Collins, an officer of the Royal Dragoons, from India, having made considerable purchases in the colony for that service: but the risk is evidently great, and the increased demand for horses within the colony having recently caused a very considerable increase of price, which the formation of new settlements to the southward is likely to maintain for several years to come, it is not likely that the experiment will be repeated. The colonial horse is of much more varied parentage than the colonial man; for there are no colonies in the empire so thoroughly British in that respect as New South Wales and Van Dieman's Land. The English racer, the draught-horse from the midland counties of England, and the farm-horse from the west of Scotland; horses from the Cape of Good

Hope, horses of the genuine Arab breed from Persia, and horses of Spanish origin from Valparaiso; Acheen ponies from Sumatra, and ponies of a still more diminutive size from the island of Timor, have all been naturalized, and have all thriven in the colony. I do not suppose, however, that horses will ever be so numerous in New South Wales as they are in South America, where even *beggars* may be met with *on horseback*, without realizing the English proverb on the subject.

The only other animals that are reared for profit in the colony, with the exception of Angora goats, of which a few were introduced several years ago, by way of experiment, by Mr. Riley, a respectable and enterprising colonist, are pigs and poultry, both of which luxuriate on the maize of the colony, and attain a size and plumpness and flavour unequalled in England.

Wheat, barley, and maize, or Indian corn, are cultivated to a greater or lesser extent in all parts of the territory; and within a reasonable distance from the capital, or from water-carriage, they are cultivated extensively for the Sydney market. The plain of Bathurst and the district of Argyle, being elevated at least two thousand feet above the level of the sea, the climate in these parts of the territory is rather too cold for the growth of maize, as it is also for the orange and for other similar fruits; but oats and the English gooseberry, which cannot be cultivated with advantage in the lower districts, thrive exceedingly well in these colder regions.

With the exception of the large open plains which

occasionally occur in the interior of the country, and which, like the plain of Bathurst, are naturally destitute of timber, the territory of New South Wales is in its natural state one vast interminable forest. In many parts of the colony, and especially in the interior, the land is but thinly timbered ; there being not more than three or four trees of moderate height and of rather interesting appearance to the acre. In such places, the country resembles the park scenery around a nobleman's seat in England, and you gallop along with a feeling of indescribable pleasure. In general, however, the forest-land is more thickly timbered—sufficiently so to form an agreeable shade in a hot Australian summer-day, without preventing the traveller from proceeding in any direction at a rapid trot or canter. On the banks of rivers, and especially on the alluvial land within the reach of their inundations, the forest becomes what the colonists call a *thick brush* or jungle. Immense trees of the genus *eucalyptus* tower upwards in every direction to a height of from one hundred and fifty to two hundred feet ; while the elegant cedar, and the rose-wood of inferior elevation, and innumerable wild vines or parasitical plants, fill up the interstices. In sterile regions, however, on rocky mountain-tracts, or on sandy plains, the forest degenerates into a miserable *scrub*, as the colonists term it ; the trees are stunted in their growth and of most forbidding aspect, the fruit they bear being literally pieces of hard wood similar in appearance to a pear, and their shapeless trunks being not unfrequently blackened from the action of fire. In such regions, the more social animals

of the country entirely disappear. The agile kangaroo is no longer seen bounding across the foot-path, nor the gaily plumaged parroquet heard chattering among the branches. If any thing with the breath of life is visible at all, it is either the timid gray lizard hiding itself in the crevices of the rocks, or the solitary black snake stretched at full length on the white sand, or the busy ant rearing his slender pyramid of yellowish clay,* as if in mockery of the huger monuments of the Pharaohs; and establishing his puny republic amid the loneliness of desolation. In such forbidding regions the mind unavoidably partakes of the gloominess of nature; and the only idea that takes forcible hold of it is, that such must assuredly be the region, on which the ancient primeval curse, to which the earth was subjected for the sin of man, has especially fallen.

There is a much greater extent of forest, than of alluvial land, in a state of cultivation throughout the colony; and, what is exceedingly anomalous, the best land is in many instances on the sides and summits of the hills. Heavily timbered land intended for cultivation is cleared in the following manner. The underwood, which occurs only on alluvial land, is all cut down in the first instance in the proper season, the bushes either falling to the ground or remaining attached by their upper branches to the standing timber. When the fallen underwood is sufficiently withered, all the standing trees that are required for building, fencing, &c. are cut down and rolled out

* These pyramids are sometimes six feet high.

of the forest, after their branches have been lopped off, to the nearest cleared land, or to saw-pits formed in the vicinity, where they are cut up for whatever purposes they are required. This species of labour, I mean the sawing of timber, is generally performed by free sawyers who work for hire, at so much per hundred feet, and receive part of their earnings in rations from the proprietor of the farm. The remaining timber is then cut down (I allude exclusively to the practice on large farms) by a party of eight or ten convict-labourers, under the charge of a free overseer, who works along with them, and who receives a salary, in addition to his rations, from the owner of the land. The overseer, on well-regulated farms, is generally a ticket-of-leave man or emancipated convict, who has been an assigned servant or common labourer on the farm or in its immediate neighbourhood during his term of bondage, and receives a salary of from £15 to £40 per annum with board and lodging.

The trees are cut down at about three feet from the ground ; and, in clearing heavily timbered land, the usual practice of skilful fellers is to cut a number of smaller trees half through ; and then, selecting a large or master-tree, to form a deep indentation with an axe in the side of it nearest the small ones, and then to saw towards the indentation from the opposite side. When nearly sawn through, the large tree falls towards the side on which the indentation has been formed, and bears down before it perhaps twenty or thirty smaller trees. When all the trees on the piece of land to be cleared are felled in this way, they are sawn into

proper lengths, rolled together, and burnt. This operation generally takes place, in the case of alluvial land, immediately before the time for the planting of maize or Indian corn, viz. in the months of September and October.

The cost of clearing heavily timbered alluvial land is about £5 an acre ; but a single crop of maize generally covers that expense. Thinly timbered forest-land is of course cleared at a much smaller cost. Maize is rarely planted on land of the latter description, and wheat is seldom sown on alluvial land till after it has produced one or two crops of maize. Wheat is sown in March, April, and May ; sometimes, however, not till June : it is reaped in November, the first month of summer in the southern hemisphere ; but in the high lands of the colony, the seasons are somewhat later. In ordinary seasons, the return of wheat per acre varies, according to the nature of the soil, from fifteen to forty bushels : I have heard of as much as forty-five and even fifty bushels an acre being reaped in the district of Argyle, and my brother's crop at Hunter's River averaged one year thirty-five bushels per acre. In the year 1835, in which there was a general failure of the crop from drought over a considerable part of the territory, my brother reaped 3,500 bushels of wheat from 150 acres of land, or at the rate of $23\frac{1}{2}$ bushels an acre. Forty acres of that land, being the bed of an old lagoon, yielded $1707\frac{1}{2}$ bushels, or $42\frac{1}{2}$ bushels per acre : another field of 22 acres produced 567 bushels, or $25\frac{3}{4}$ bushels per acre. I should think, however, that the average of the colony is not higher than twenty

bushels; but then the system of husbandry prevalent in many parts of the territory is wretched in the extreme.

In the districts of the Hawkesbury and Hunter's River, wheat is liable to be attacked by the weevil, and can therefore never form an article of export from the colony, except in the state of flour: but the wheat of Bathurst and Argyle is never attacked by that insect; and the grain produced in the latter of these districts is in every respect equal to that of Van Dieman's Land, from whence it is not unlikely that wheat will ere long form a considerable article of export to the mother country. The maize of New South Wales, however, has been acknowledged by gentlemen well acquainted with the cultivation of that species of grain in the United States, superior to any they had ever seen elsewhere: it forms the favourite food of horses, and is used for the fattening of pigs and poultry; but it seldom constitutes an article of food for any class of free persons in the colony. Extravagance, indeed, has ever been one of the besetting sins of the Australian colonies, and the lowest class of free people in New South Wales are content only with the finest of the wheat; insomuch that coarse bread can scarcely be procured in Sydney, except when previously ordered, or from those bakers who supply the troops and the other government establishments with bread of that quality by tender. I have seen various preparations of this grain, however, which I am sure would be relished as an article of food by thousands and tens of thousands of the labouring classes in the mother country. The meal into which it

is ground is sometimes made into a sort of *porridge* or pudding, called *hominy*, somewhat similar, both in taste and appearance, to the preparation of oatmeal, so general as an article of food among the lower classes in Scotland. With an equal quantity of wheaten flour, it also makes excellent household bread, the maize meal being in the first instance reduced to the state of *hominy*. Indeed, maize might form a profitable article of export to the mother country, especially as in favourable seasons it can be obtained at Hunter's River of the very best quality at from 1s. 3d. to 2s. 6d. a bushel—a price, which would enable the merchant to sell it at a rate that would render it a very cheap as well as wholesome article of food for the labouring classes in England. This valuable grain is much used as an article of food among the peasantry of New England, who prepare it in a great variety of ways. The most summary mode of preparing it, however, of which I have ever heard, is that in use among the natives of New Zealand, where it is now cultivated in considerable quantity. The New Zealander merely moistens the cob or head of corn in water, and eats off the grains singly at his leisure.

In planting maize or Indian corn, shallow holes are made in the cleared land with a hoe, at a distance of about three feet from each other, in rows about five feet asunder: into each of these holes four or five grains of maize are dropped, and then covered up; and if the season is moist, vegetation immediately commences, and proceeds with such amazing rapidity, that, in a very few weeks, the burnt stumps of the large trees, which

are usually left standing all over the field, are entirely covered with the green corn, which in due time attains the height of six or eight feet, and produces in rich alluvial land at the rate of from forty or fifty to eighty bushels an acre. From 164 acres of maize, on my brother's farm at Hunter's River, in the year 1836, the quantity of grain gathered was 8000 bushels, or $48\frac{3}{4}$ bushels per acre. In the higher parts of the district, of course farther from the Pacific, the maize crop had in that year proved a failure. In the neighbourhood of growing trees, the maize has to be watched all night for two or three weeks after it is planted, by a watchman stationed for the purpose; otherwise the bandicoots and opossums would dig up the grain and eat it: and when the watchman neglects his duty, as is sometimes the case, the maize must be planted a second time. Each corn-stalk terminates at the top in what is called a *tossel*, which waves beautifully in the wind along the rows like a grenadier's feather, and bears on the lower parts of it two, three, or even four or five cobs or heads of corn, each of which is enclosed in a thick casement of leaves, and springs obliquely from the stalk. In the month of March, when the corn is sufficiently ripe, these cobs are pulled, collected in heaps in the field, and then carted to a shed or out-house. A second or late crop of maize, however, is frequently planted on the wheat-stubble-land, especially in alluvial soil, immediately after the wheat harvest. The produce of this crop is generally of inferior quality; but in particular seasons, as for instance when the early part of the summer has been very dry, it turns out better than the

early or *forward* crop. The stumps of the large trees that are left in the ground on the clearing of the land, are usually burnt out, when the settler is able to afford that expense, by free labourers, who work for hire, and who receive part of their wages in rations from the farm.

Barley is not much cultivated in New South Wales. Off 25 acres, on my brother's farm, in the year 1835, the quantity reaped was 600 bushels, or 24 bushels per acre. Five acres of lagoon land produced 40 bushels an acre.

A return, which will be found in the Appendix,* exhibits the average price of wheat in New South Wales for the last nine years, as also the quantity of bread-corn, &c. imported during that period. I have already observed, that in the last of the years specified, 1835, there was a general failure of the crop in the colony; but the extent of the importation during that year is partly attributable to the superior profits generally derivable from pastoral, as compared with those derivable from agricultural pursuits, in New South Wales.

Fences are uniformly constructed in New South Wales, as in British America, of wooden posts and rails; the posts being about nine feet asunder, and the fence being either of three, four, or five rails, according to the purpose for which it is required. This species of labour is, for the most part, performed by free labourers, who work for hire at so much per rod. The hawthorn, which has been used successfully for hedges

* See Appendix, No. 21.

on several estates in Van Dieman's Land, loses its bushy character in New South Wales, and degenerates into a slender delicate shrub devoid of prickles. The *aloe*, which is used for the purpose of fencing in the island of Sicily, has been recommended as a substitute, as also a species of *acacia* from India, of which I have seen several specimens in the colony; but so long as timber can be easily procured, the colonists are likely to prefer the four-rail fence to any substitute, although it must be acknowledged it does not look so well as a lively hawthorn hedge.

Potatoes are cultivated in all parts of the colony, but by no means extensively: they are little used as an article of food by the lower classes, and are only to be met with at the tables of the more respectable settlers, and of families residing in towns. The convict-labourers or farm-servants are in general allowed small gardens to grow potatoes and vegetables for themselves; but they scarcely ever avail themselves of the privilege, as their ration of flour, beef or pork, sugar and tea, is abundantly sufficient for their subsistence. The quality of the potato of the colony depends very much on the season: in general, it is inferior to those of Scotland and Ireland; but I have occasionally seen as good potatoes, of the growth of a kitchen garden in Sydney, as ever I have seen in the mother country. Considerable quantities of a superior quality are imported from Van Dieman's Land and New Zealand.

The mildness of the climate of New South Wales precludes the necessity for cultivating any thing in the shape of winter food for sheep or cattle; and the great

abundance and unbounded extent of the native pasture of the colony render the use of artificial food quite unnecessary, except for the numerous horses and other beasts of burden that are kept in towns. Hay, of the native grass, and sometimes of oats, is sold in Sydney market by the cart-load; William Howe, Esq. of Glenlee, the proprietor of an extensive and beautiful estate on the banks of the Cow-pasture River, about thirty-five miles from Sydney, being almost the only cultivator of English grasses to an extent worth mentioning in the colony. Hay of the produce of the Glenlee estate is forwarded to Sydney once a week on drays drawn by oxen, and sold in the market. The Glenlee estate is famous also as the first dairy-farm for the manufacture of butter in the colony; George Ranken, Esq. of Killoshiel, in the Bathurst district, a highly respectable settler from Ayrshire in Scotland, having introduced the manufacture of cheese into New South Wales. Large quantities of both of these articles of dairy produce, however, are now manufactured on the farms of many other respectable settlers throughout the colony; and they form a considerable article of colonial export, chiefly to Van Dieman's Land.

The soil and climate of New South Wales are universally considered peculiarly well adapted for the cultivation of the vine. The vine has been cultivated in various localities in New South Wales for many years past; but never to any extent, or with a view to the making of wine, till within the last three or four years. There are now, however, many acres of vineyard throughout the colony, the vineyards of several of the

more wealthy proprietors being for the most part under the management of scientific and practical vine-dressers from the south of Europe ; and wine and brandy in considerable quantity—as much in one instance as eighteen pipes of the former—have already been manufactured on several estates. It is scarcely possible as yet to predict, with any degree of certainty, of what quality the wines of New South Wales will eventually prove ; for the vine requires to be in bearing for five or six years before good wine can in any instance be produced from its fruit. The specimens of wine, however, that have actually been produced from the colonial grape, have induced a general idea on the part of the colonists, that the wine of New South Wales will be somewhat similar to the light wines of the Rhine and of France. At all events, the highest expectations are entertained on the subject ; and those of the landholders who have planted vineyards begin to talk already of exporting wine to India and England.

Cuttings of the choicest European and African vines have at different times been imported into the colony by public-spirited proprietors. About eleven years ago, Mr. Redfern, a respectable colonist, touched at the island of Madeira on returning from Europe to New South Wales, and carried out with him a number of cuttings of the celebrated vine of that island, together with one or two Portuguese families acquainted with its culture. The Messrs. Macarthur, of Camden, had a large collection of cuttings of the choicest French and German vines sent out to them for propagating in the colony several years ago ; and cuttings of upwards of a

hundred varieties were carried out to the colony for general distribution in the year 1832 by James Busby, Esq. now British Resident at New Zealand, from several of the first vineyards of France.

The success of this branch of cultivation is of incalculable importance to New South Wales ; not so much, indeed, in a commercial or agricultural, as in a moral respect. The raising of an article in the shape of colonial wine, fit for the home or India market, is doubtless of consequence to the colony in a mercantile point of view ; and the annual saving that would accrue from the manufacture of a wholesome and cheap beverage, that would gradually obviate the necessity for importing European and Cape wine, is of still greater moment. But the gradual diminution of the consumption of ardent spirits within the colony, which would in all likelihood be the eventual result, would, without doubt, be a blessing of far greater and of inestimable magnitude to the whole colonial population. It is a fact well ascertained, that the population of wine-growing countries are not addicted to the brutalizing vice of drunkenness, like the inhabitants of colder latitudes ; and there is reason to hope, therefore, that if the population of New South Wales could by any means be converted into a vine-growing population, they would in due time become a wine-drinking and comparatively temperate, instead of a rum-drinking and most outrageously intemperate, population.* At all events, if the convict

* No nation is drunken where wine is cheap ; and none sober, where the dearness of wine substitutes ardent spirits as the common beverage. —President Jefferson, *Memoirs and Correspondence*, iv. 320.

division of the population of the colony should in this respect be almost beyond hope, it will certainly be of no small moment to the community at large, to form the taste of their numerous and interesting offspring on a model in somewhat greater accordance with the principles of temperance and sobriety. I am happy, indeed, to be able to state, as the result of thirteen years' extensive observation in the colony, that drunkenness is by no means a vice to which the colonial youth of either sex are at all addicted. Reared in the very midst of scenes of drunkenness of the most revolting description and of daily occurrence, they are almost uniformly temperate ; for if there are exceptions, as I do acknowledge there are a few ;—the wonder, I had almost said the miracle, is, that they have not been tenfold more numerous. Some have attempted to account for this gratifying fact on the principle, that disgust at the scenes they have been accustomed to witness from their infancy has induced a general disinclination to indulgence of that particular description on the part of the youth of the colony. Such a principle may doubtless have operated in a few instances ; but I confess I am altogether sceptical as to its general operation. The simple fact, I apprehend, is, that the natives of New South Wales are naturally and constitutionally indisposed to intemperance ; and one of the best means, I should conceive, of perpetuating this disinclination, and of keeping them permanently out of the way of temptation, is to supply them with a cheap and comparatively innocuous beverage of native manufacture in the shape of colonial wine.

The formation of a wine-growing population, however, in a country whose inhabitants have not been previously accustomed to the culture of the vine, is a matter of no small difficulty ; and from what has actually taken place in this respect in the colony of the Cape of Good Hope, I am disposed to believe that the introduction of a number of families from one of the wine-growing districts in the south of Europe, and their settlement in some favourable locality in the colony, would tend more than any thing else to form such a population in New South Wales. The Cape colony, it is well known, was originally settled by the Dutch, some time about the commencement of the seventeenth century : as the Dutch, however, are as little acquainted in their own country with the culture of the vine as the inhabitants of Great Britain and Ireland, the earlier colonists at the Cape never thought of attempting its cultivation in their new settlement. Towards the close of the seventeenth century, however, a large proportion of the best part of the population of France being self-banished from their native country, in consequence of the tyrannical revocation of the Edict of Nantes, which had ensured toleration to the Protestants of that kingdom, several of the French Protestant families who had settled in Holland, were induced, at the recommendation of the States General, to emigrate to the Cape of Good Hope ; and lands were accordingly granted them in that colony, within a moderate distance of Cape Town, at a place still called from the circumstance *Fransche hoek*, or French corner. The French emigrants introduced the cultivation of the vine into South Africa ;

and from that circumstance the wine-trade of the Cape colony derives its origin.

Several of the French Protestant families, who thus emigrated for conscience-sake to South Africa, were families of distinction in their native land ; having voluntarily renounced their country, their property, and their rank, “ for the word of God, and the testimony of Jesus Christ.” In particular, a family of the name of Du Plessis, the representative of the celebrated Mornay Du Plessis, so famous in the history of the *War of the League*, was among the number of the French emigrants who settled at the Cape. At the commencement of the present century, the representative of that family, and the heir of a dukedom in France, was Mynheer Du Plessis, a respectable old Dutch farmer in South Africa. The late emperor of the French, hearing of the circumstance, and being engaged at the time in forming an order of nobility to grace his newly-erected imperial throne, caused it to be signified to General Janssens, who was then the Dutch Governor at the Cape, that if M. Du Plessis would return to France, he would restore him the title and estates of his family : but the good old colonist was devoid of worldly ambition : he would not leave the country which had afforded an asylum to his persecuted forefathers, and he therefore lived and died as a plain unassuming farmer in South Africa.

The cultivation of tobacco, for which the soil and climate are peculiarly adapted, has been engaged in, within the last few years, to a considerable extent in New South Wales : it had been cultivated by a few of the settlers on a small scale for many years before ;

but of late years various respectable proprietors have not only raised it in sufficient quantity to supply their own large establishments, but turned it to good account as an article of agricultural produce for the colonial market, in which it is protected by a duty on foreign tobacco of a shilling a pound. That market, however, is so limited in proportion to the number of cultivators, that an idea has for several years been entertained in the colony, of the practicability of exporting it in great quantity to the mother country in return for British manufactures ; and all that is requisite to realize this idea, and to enable the Australian to compete with the Virginian tobacco-planter, is a numerous, industrious, and virtuous colonial population.

The districts of Hunter's River and Illawarra are better adapted for the cultivation of tobacco than those of Bathurst and Argyle ; the latter being much more elevated, and consequently more exposed to nipping frosts than the former. The soil and climate of Hunter's River especially appear peculiarly adapted for this species of cultivation. Having had occasion to visit that settlement in the month of March, 1830, my father, who was then residing at my brother's farm, but who was unfortunately lost at sea on his way to Sydney in a small coasting-vessel in the month following, pointed out to me several plants of wild or indigenous tobacco, which he had observed growing in the rich alluvial land which formed part of the dry bed of a lagoon on the farm, and remarked that the circumstance seemed to indicate the peculiar adaptation of the plant to the soil and climate of New South Wales. He also

showed me at the same time several stalks of indigenous flax, exactly similar in appearance to the flax of Europe, of which he had collected a small quantity of the seed, with a view to ascertain whether its cultivation might be practicable or beneficial to the colony.

Persons who have resided for some time in those provinces of North America in which tobacco is extensively cultivated, have assured me, they never saw the tobacco-plant shoot forth leaves of such length and breadth in America as they attain in New South Wales. The tobacco of the colony is manufactured into what is called negro-head and colonial snuff: of its quality I am not qualified to judge by either of the two senses to which it addresses itself: it is generally thought inferior, however, to that of the Brazils; but this inferiority arises probably from unskilfulness in the mode of its manufacture—an evil, which the experience of every succeeding year will in all likelihood diminish.

The olive also appears to succeed uncommonly well in New South Wales; and a number of respectable settlers have accordingly procured cuttings and seeds within the last two or three years, with a view to its cultivation. This species of culture, however, is yet in its infancy in the colony; and nothing farther can, therefore, be said on the subject, than that the olive appears equally well adapted with the vine and the tobacco-plant to the soil and climate of New South Wales.

The hop-plant has been cultivated successfully on several farms in the colony, and the quality of the hops

is much superior to that of those imported from England. The profitable cultivation of any of these productions, however, as an article of export, will require a much more numerous population than the colony now contains ; and so long as the article of wool affords such profits as it has hitherto afforded the colonial settlers, it is not to be expected that they will devote their capital and their energies to the extensive production of other articles, of which the return from their cultivation must necessarily be for some time comparatively problematical.

If a numerous and industrious agricultural population were settled in New South Wales, there are many productions of the south of Europe, as well as of still warmer climates, of which the cultivation would doubtless afford an ample remuneration for agricultural labour and a comfortable subsistence for industrious families, but of which it would be folly to attempt the culture with the present limited population of the colony. The caper-plant, for instance, would succeed well in New South Wales. It is cultivated successfully in the south of France ; and President Jefferson, in a few cursory Notes on that country, written during a tour to the north of Italy, gives the following account of the method and of the profitableness of its cultivation :—"Capers are planted eight feet apart. A bush yields one year with another two pounds, worth twelve sous a pound ; every plant then yields 24 sous, equal to one shilling sterling. An acre, containing 676 plants, would yield £33. 16s. sterling. The fruit is gathered by women, who can gather about twelve pounds a day.

They begin to gather about the last of June, and continue till about the middle of October.”*

The castor-oil tree grows luxuriantly in the colony, and will no doubt be eventually cultivated with a view to the manufacture of oil. This tree has a beautiful appearance when young, its leaves bearing some resemblance to those of the horse-chesnut tree. In rich alluvial land it becomes quite a weed.

Indigo and opium could also be cultivated to any extent in New South Wales; and as the climate is highly congenial to the constitution of the silk-worm and the growth of the mulberry-tree, raw silk could be produced to any conceivable extent. For such purposes, however, a much larger and more industrious population would be required in the colony than it can boast of at present.

All the European and several of the tropical fruits come to perfection in New South Wales: it has only been of late, however, that any attention has been paid to the quality of the fruit or the cultivation of the trees; the colonists having previously been for the most part too much occupied in procuring a supply of the necessities of life for their households. A great change for the better, however, has been effected in this particular within the last few years. Trees of the choicest sorts have been procured from all parts of the world, and sedulously and successfully cultivated all over the territory. The fruit of the colony consequently promises to

* Memoirs and Correspondence of President Jefferson, vol. ii. p. 130.

be as superior in quality, in a few years hence, as it is at present various and abundant.

The Sydney market is supplied with fruit chiefly from orchards situated on the banks of the inlet called *the Parramatta River*. For several miles from Sydney, the soil along the course of the Parramatta River, which is now traversed daily by two steam-boats, is miserably poor, but the scenery highly picturesque and romantic; the channel ever and anon either widening or narrowing as you advance—sweeping around the base of lofty rocks or suddenly expanding into capacious basins, the shores of which are every where ornamented with the most beautiful shrubbery; for in New South Wales, the most interesting plants, shrubs, and trees are uniformly found adorning the poorest soils. About half-way up the river, the soil, especially on the right bank, improves very considerably; and there are various orchards and orangeries close to the water's edge, the proprietors of which make a comfortable livelihood for their families by selling their fruit in the Sydney market.

I happened to call at the cottage of Mr. Shepherd, an old colonist, who has reared a reputable family on a small farm in this vicinity, in the month of July, 1830: it was winter in the colony, but the oranges were just ripe, and the trees were loaded with fruit. I asked Mr. S. jun. what quantity of oranges he would have to dispose of during the season; and he replied, “Not less than twelve thousand dozen.” A respectable old settler, however, of the name of Mobbs, has a much

more extensive orchard a few miles from the river in a northerly direction ; and at Baulkham Hills—a settlement about five miles beyond Parramatta, at which a few families of free emigrants settled upwards of thirty years ago—there are two orange-orchards much superior to Mr. Shepherd's. Mr. Suttor, the proprietor of one of them, told me, a few weeks before I left the colony for England in the year 1830, that the produce of his orange-trees the preceding year was from twelve to twenty thousand dozen ; but that the orchard of Mr. M'Dougall, a Scotch settler on the opposite side of the road, had been much more productive. The produce of these orchards has been greatly increased during the last six years, but I have not ascertained its recent amount. The orange-trees are planted in long double rows with an avenue between ; and the view along the avenue, on each side of which the thick dark green foliage of the trees contrasts most beautifully with the bright yellow fruit with which the branches are loaded, can scarcely fail to remind the scholar of the gardens of the Hesperides.

The orange-tree takes about seven years to come to maturity : till within the last few years it was consequently far from abundant in the colony, whose inhabitants, especially in the earlier years of its existence, were for the most part peculiarly improvident ; and it is only around the residences of settlers of the class I have just referred to, that old trees are usually to be met with. The fig and the peach, however, being of much more rapid growth, abound every where ; the fruit of the latter being so abundant, as to constitute a considerable

part of the food of the colonial pig in the peach season. Peaches are sold in Sydney market by the basket or bushel, at from fifteen pence to two shillings and sixpence.

If a peach-stone is thrown into the ground in a favourable situation in New South Wales, a large quantity of fruit may be gathered from the tree that shortly afterwards shoots up from it, without any subsequent culture, at the expiration of the third or fourth year. A gentleman, to whom the colony is much indebted for the zeal which he long evinced in the path of Australian geographical discovery,—I mean Allan Cunningham, Esq.—was induced, from this circumstance, uniformly to carry along with him a small bag of peach-stones on his exploratory expeditions into the interior; and whenever he found a suitable piece of ground in the great wilderness, to dig it up and plant a few of them in it, in the hope that the future trees might one day afford a timely supply of food, either to the wandering native or to Europeans, who might accidentally lose their way in the pathless solitudes of the interior; for the reader is doubtless aware that the native forests of Australia afford nothing whatever in the shape of fruit for the sustenance of man. I was much struck with the circumstance, when it was first mentioned to me, many years ago, by Mr. Cunningham; and while I could not help commending from my very heart the pure and disinterested benevolence it evinced, I could not help inwardly regarding it as a lesson to myself for the future, and a reproof for the past. Alas! how many spots have we all passed unheeded in the wilderness of

life, in which we might easily have sown good seed if we had so chosen, and left it to the blessing of God, the dew of heaven, and the native energies of the soil! Such spots we shall never revisit; and the opportunity of doing good, which was thus afforded us, but was suffered to pass unimproved, will consequently never return.

Specimens of cotton, the produce of New South Wales, have been manufactured into yarn under the superintendence of a Scotch manufacturer in the city of Glasgow, and pronounced of superior quality. A considerable quantity of sugar was also manufactured on account of Government, at the settlement of Port Macquarie to the northward of Hunter's River, about eight years since; and coffee was cultivated successfully at Norfolk Island some time after the first settlement of that dependency. The northern settlements of Port Macquarie and Moreton Bay, the last of which is situated between the 27th and 28th parallels of south latitude, and is still a penal settlement, would doubtless be the best adapted for the cultivation of these articles of tropical produce; but it would probably be inexpedient to attempt such a species of cultivation in the present circumstances of the colony. The stream of colonization in New South Wales is evidently tending strongly to the southward, and the energies of the colonial population will therefore in all probability be directed for a considerable time to come to the producing of articles of a different description from those I have just mentioned. When the production of these articles ceases to be profitable, or, in other words, when

they cannot be exchanged advantageously for tropical produce raised elsewhere, as for instance at the Isle of France, it will be proper for the colonists to think of forming a West Indies on their own coast, and of cultivating sugar, coffee, and cotton at the northern settlements. The different regions of the globe may be compared to the different members of the human body, and the commercial intercourse of nations to the circulation of the blood, which is evidently designed to establish an intimate connexion between these different members, and thereby to maintain the tone and vigour of each. It would be as preposterous therefore for the colony of New South Wales, were its population even ten times greater than it is, to attempt to raise all the various articles of produce that might be cultivated along its extensive coast-line from Bass's Straits to the northern extremity of the land, and exchanging the wheat, beef, and potatoes of one settlement, for the sugar, coffee, and cotton of another, to preclude in so far the necessity for foreign supplies,—as it would be for the human arm to petition for a separate heart and lungs for itself. To pursue the metaphor, the heart and lungs are the mother country, and the extremities are the colonies: the healthiest condition of the system will therefore be attained, when the colonies devote their energies to the raising of such species of raw produce as are best suited to their respective climates, and transmit that produce to the grand laboratory of the mother country, to receive it again in the shape of capital and manufactured goods of every description; just as the extremities transmit their black venous blood to the grand laboratory of the

lungs, where it is subjected to a series of chemical processes of the most wonderful description, and from whence it is again propelled by the powerful action of the heart in a stream of life and of health to the most distant parts of the system.

The Australian colonies are at present supplied with sugar from the Isle of France: it is paid for chiefly in money, as the Mauritius receives but a very insignificant quantity of Australian produce in return. The diminution of the commercial intercourse with the Isle of France would, consequently, be a matter of small moment to these colonies, in comparison with the saving that would accrue from the raising of sugar within their own territory, if the cultivation of that article were to be engaged in extensively, as it doubtless might with advantage, by a free emigrant agricultural population, imported by means of the colonial land-revenue, and settled at Moreton Bay: for as the annual consumption of sugar by the colonial population may be estimated at least at double the quantity consumed by an equal number of the inhabitants of Great Britain, the supplying of the colonial market is an object of considerable importance, even although the article could never be raised in the colony at a rate sufficiently low to enable the Australian planter to compete with those of the Isle of France and the West Indies in the home market. Besides, whatever the colony might save from the cessation of the importation of sugar from the Mauritius, would only tend to increase the trade with the mother country, which is of incalculably greater moment to all parties; and enable the colonists

to purchase a correspondingly greater quantity of British manufactures.

The produce of an acre of land of the best quality, when planted with sugar-cane in the Isle of France, is 4000 lbs. French, or 4320 lbs. English; that of an acre of ordinary quality, being 3000 lbs. French, or 3240 lbs. English. The price of sugar of the first quality at the Mauritius is five dollars, or 20s. per 100 lbs. French; and that of inferior quality, from five to two. Whether the land at Moreton Bay would be equally productive is at best problematical; but there is reason to believe that the cost of its production would not be greater in the one colony than it is in the other, for all the other necessities of life are much cheaper in New South Wales than in the Isle of France.

As to the necessity for slave-labour for the profitable cultivation of sugar, the idea can no longer be entertained in any part of the British empire; and the question therefore now is, what sort of free labour will be the most profitable and the most easily procurable in any given locality. A singular revolution is at this moment taking place in this particular, in regard to the state and prospects of the colony of the Isle of France. From the great demand for labour in that colony, and the general apprehension that the negroes would not labour sufficiently on the full attainment of their freedom, several of the principal merchants and planters of the Mauritius had been induced to try the experiment of introducing free labour from India: and so fully had the speculation succeeded, that during the seven weeks that the master of a Scotch vessel from

New South Wales lay at Port Louis in the early part of the year 1836, no fewer than 1500 Hindoo labourers arrived in that port. It was confidently expected that the system would eventually completely change the aspect and character of the colony.

There is one other species of cultivation which might at least be attempted in the colony; I mean that of the tea-plant. That the climate of New South Wales, and especially of the settlements to the northward, is entirely congenial to the constitution and habits of the tea-plant, cannot be doubted. A fruit-tree of Chinese origin, called *loquet*, has been long naturalized in the colony; and its fruit, which is of a yellowish colour, and about the size of a plum, is sold in great quantities in the Sydney market. Various other specimens of the botany of the Celestial Empire have been cultivated successfully, both in the Botanic Garden and in the private nurseries of the colony; and I have seen the tea-plant itself growing in the open air in New South Wales in apparent health and vigour.

Such a species of cultivation would doubtless require a numerous and a Chinese population; and it may perhaps be supposed that such a population would not be easily attracted to New South Wales. The Chinese, however, are an emigrating nation; and as they are easily induced, by the prospect of bettering their fortunes, to emigrate to Singapore, Batavia, and Calcutta, there is no reason to doubt that a similar prospect would induce them to emigrate to New South Wales. If a considerable number of families were to be settled together on a tract of land to be appropriated for the

purpose at one of the northern settlements, either as tenants at a rental in produce or as proprietors, and allowed to adopt their own manners and customs without interference on the part of the colonists, there is no reason to doubt but that the object might be successfully accomplished, and the culture of the tea-plant introduced into the colony with every prospect of success. The benefit likely to accrue to the colony, in an agricultural and commercial point of view, from the formation of such a settlement in its territory, would undoubtedly be great, while the moral influence which it would afford the means and the opportunity of exerting on the emigrants themselves might lead to the happiest results.

The Dutch have long been alive to the benefits likely to result to their nation from the settlement of numerous families of Chinese in their colonial territories. Chinese are very numerous in the city of Batavia; and the police of that part of the city which is denominated *the Chinese quarter*, is entrusted to individuals of their own nation, under the superintendence of a chief, who is responsible to the European authorities, and whom they elect annually, with the approbation of the Dutch Government. They are uniformly industrious, frugal, and orderly; and there is no reason to doubt, that a settlement, consisting of families and individuals of the same nation, would maintain an equally reputable character, and could be governed with equal facility in New South Wales.

It must be evident at all events, that the field of exertion for the agriculturist of New South Wales is suffi-

ciently extensive. With every variety of climate and every variety of soil, the colony requires only a numerous and industrious population to enable it to produce in abundance whatever is requisite for the sustenance and the comfort of man. Enterprise, of which there is at this moment no lack in the colony, will in due time discover a thousand new channels for the profitable outlay of capital and for the acquisition of wealth; and honest persevering industry will in the mean time be enabled to eat "pleasant bread," and to acquire that "competent portion of the good things of this life," which is most conducive to the progress of society and the real welfare of man.

APPENDIX.

No. 1. Page 107.

Governor Bligh's General Order of the 14th of February, 1807, forbidding the Distillation of Spirits.

“ His Excellency the Governor, taking into his consideration the evils which will arise from the distillation of spirits of any description, does hereby confirm the General Order of the 28th of February, 1799, which is as follows :

“ The Governor, having received information from various quarters, that in direct disobedience of public orders, and in defiance of the consequence of detection, several persons in different parts of this colony have taken the liberty of erecting stills, and providing materials for the purpose of distilling spirituous liquors ; and as it is well known to the whole colony that this destructive practice has long been forbidden in this settlement, and under the immediate authority of every officer who has commanded in it ; it is scarcely necessary to say more on the subject than to call on the aid and exertion of the whole body of officers, whether civil, military, or naval, in suppressing it ; and to desire, that wherever they may understand it continues to be carried on or attempted, they may use every means in their power to detect the guilty person, and to seize or destroy the utensils they may have provided for a purpose so certainly calculated to ruin the present healthy state of the inhabitants of this territory. All constables, watchmen, and other persons, are hereby strictly enjoined, wherever they may have cause to suspect this forbidden trade is carried on, to make the same known to any magistrate or officer, in order that steps be regularly pursued for bringing any opposition to these orders to proof. If those persons who shall presume to carry on this noxious work after this information, do

happen to be free people, every indulgence they may have hitherto received from Government shall be immediately withdrawn, and they shall be ordered to quit the colony by the earliest opportunity :—if a convict, they will receive such treatment for their disobedience, as their conduct, in the opinion of a Court, may appear to merit.

“ By command of His Excellency,

“ EDMUND GRIFFIN, Secretary.”

“ Government House, Sydney,

“ February 14th, 1807.”

No. 2. Page 111.

Warrant to apprehend Mr. Macarthur.

“ New South Wales.

“ Whereas complaint hath been made before me upon oath, that John Macarthur, Esq., the owner of the schooner Parramatta, now lying in this port, hath illegally stopped the provisions of the master, mates, and crew of the said schooner ; whereby the said master, mates, and crew have violated the colonial regulations, by coming unauthorized on shore ; and whereas I did, by my official letter bearing date the 14th day of this instant December, require the said John Macarthur to appear before me on the fifteenth day of this instant December, at ten o'clock of the forenoon of the same day ; and whereas the said John Macarthur hath not appeared at the time aforesaid, nor since :—these are therefore, in His Majesty's name, to command you to bring the said John Macarthur before me and other His Majesty's Justices, on Wednesday next, the 16th instant, December, at ten o'clock of the same day, to answer in the premises : and hereof fail not.

“ Given under my hand and seal, at Sydney, this 15th day of December, 1807.

(Signed)

“ RICHARD ATKINS, J. A. (L. S.)”

“ Mr. Francis Oakes,

“ Chief Constable, Parramatta.”

No. 3. Page 115.

“ PROTEST.

“ To the Members of the Criminal Court.

“ Gentlemen,

“ It will, I am convinced, excite your surprise, as I think it must of every impartial man, to hear that I am brought a prisoner to this bar,

utterly unacquainted, except from rumour, of the nature of the accusation against which I am to defend myself. Such, however, is the fact: for although I have made three written applications to the Judge Advocate for a copy of the indictment or information, I have not been able to obtain it.

“ In this unprecedented situation, and having been informed that the charge against me had been founded on certain events which originated in the illegal and arbitrary conduct of the Judge Advocate, as exemplified in the correspondence and warrants; I did conceive it prudent, and a piece of duty I owed to the community, to protest against Richard Atkins, Esq. being appointed to sit as a judge on a trial where he is so much interested, and in which his own security is so materially involved.

“ To prevent unnecessary delay, and other consequences which I apprehended, I did, in a letter to His Excellency Governor Bligh, protest against the Judge Advocate, and respectfully required that a disinterested person might be appointed to preside at my trial.

“ To this His Excellency was pleased to answer, ‘ That the law must take its course, as he does not feel himself justified to use any interference with the executive power;’ by which I suppose it meant the judicial authority; and I humbly conceive His Excellency’s power must be the executive.

“ Defeated in this attempt to obtain what I know to be my lawful right, my only alternative is to resort to the Members of this Court; and I do so under an entire confidence, that what I can prove to be my right, you, as men of honour, will grant me.

“ To you then, gentlemen, I appeal; and solemnly protest against Richard Atkins, Esq., being allowed to take his seat as one of my judges on this trial.

“ To support this protest, my first objection is, because there is a suit pending between us, for the recovery of a sum of money that he unjustly withholds, and, as he is screened from the operation of the law, is to be submitted to His Majesty’s Ministers.

“ My second objection is, because I can prove he has for many years cherished a rancorous inveteracy against me, which has displayed itself in the propagation of malignant falsehoods, and every act of injustice that can be expected to proceed from a person armed with power, against a man, whose life and conduct is, I trust, a public satire on his own.

“ My third objection is, because I have long been the object of his vindictive malice, in consequence of my having been called as an evi-

dence to support an accusation made against him by John Harris, Esq., that he was a swindler.

“ My fourth objection is, because he has associated and combined with that well-known dismembered limb of the law, George Crosley, and others of as wicked minds, though perhaps not quite so notorious, to accomplish my destruction. In proof of this I have evidence to prove that Crosley has prepared the information to be produced on this trial, and has arranged the whole plan of evidence ; he being considered eminently qualified to conduct that part of the business, from his extensive practice in that particular branch of legal knowledge. I have also proof in my hands, in the writing of that veteran practitioner Crosley, which will convince the most sceptical mind that other schemes have been agitated to deprive me of my property, liberty, honour, and life.

“ Here it is, gentlemen,—read it ; and after, read the proceedings of a Bench of Magistrates ; and you will see, that for presuming to complain of a most unlawful seizure of my property, which the Judge Advocate joined in reprobating, it has been determined to ruin me.

“ This precious document came into my hands as if by the interposition of Divine Providence : it was dropped from the pocket of Crosley, and brought to me. That you may consider it at your leisure, I annex a copy both of it and of the proceedings of the Bench of Magistrates.

“ My fifth objection is, because Richard Atkins, Esq., is my prosecutor on this trial, and is so deeply interested to procure my conviction, that, should he fail, nothing but the arm of power can save him from a criminal prosecution, at this very bar, for false imprisonment of me.

“ My sixth and last objection is, on his having already pronounced sentence of condemnation against me, as is presumptively proved, and can be clearly, by his declaring that the Bench of Magistrates had the power to punish me by fine and imprisonment ; thereby clearly demonstrating an intention to deprive me of the benefit of my present trial.

“ It will not, I presume, be denied that the Judge Advocate, from the constitution of this Court, combines the two characters of judge and juror ; and that it follows, as an indisputable consequence, that any objection which applies to either character, is strictly applicable to him.

“ All therefore that remains for me to do, is to lay before you the legal authorities on which I found my right of challenge.

“ *First Authority.*

“ ‘ The suspicion of prejudice may be reasonably inferred against a

juror from his having an interest in the cause, whereby he may be led to the condemnation of the prisoner.

“ ‘ The prisoner must assign his cause of challenge, of the relevancy of which the members are themselves the judges. The valid causes of challenge are, suspicion of malice, of prejudice, and infamous character.’—(Tytler.)

“ *Second Authority.*

“ ‘ So jealous is the law of the perfect impartiality of jurors, that it is allowed to be a good cause of challenge that the juror has been heard to give his opinion beforehand, that the party is guilty.’—(Tytler.)

“ *Third Authority.*

“ ‘ Two causes of challenge, impossible to be overruled, are the charges of corruption or bribery, verified by competent proof, and malice of hostile enmity expressed by word or deed against the prisoner. Infamous character is also a most relevant ground of challenge.’—(Tytler.)

“ *Fourth Authority.*

“ ‘ It hath been allowed a good ground of challenge on the part of the prisoner, that the juror hath declared his opinion beforehand that the party is guilty.’—(Burn’s Justice.)

“ *Fifth Authority.*

“ ‘ The Mayor of Hereford was laid by the heels for sitting in a cause when he himself was lesser of the plaintiff in ejectment, though he by the charter was sole Judge of the Court.’—(Burn’s Justice.)

“ *Sixth Authority.*

“ ‘ The cause of Foxham tithing in the county of Wilts, a justice of peace was surveyor of highways, and a matter which concerned his office coming in question at the sessions, he joined in making the order, and his name was put in the caption. Determined by Lord Chief Justice Holt, it ought not to be ; as, if an action be brought by my Lord Chief Justice Trevor, in the Court of Common Pleas, it must be before Edward Neville, Knight, and his associates, and not before Thomas Trevor ; and it was quashed.’—(Burn’s Justice.)

“ *Seventh Authority.*

“ ‘ And the better to remove all cause of suspicion of partiality, it was wisely provided by the statutes 4th Edw. III. cap. 2 ;—8th Richard II. cap. 2 ;—and 33d Henry VIII. cap. 24 ;—that no Judge of Assize

shall hold pleas in any county wherein he was born or inhabits.'—
(*Blackstone's Commentaries.*)

“ *Eighth Authority.*

“ ‘ Jurors may be challenged for suspicion of bias or partiality : this may be either a principal challenge, or to the favour. A principal challenge is such, where the cause carries with it evident marks of suspicion, either of favour or malice ;—as that he hath an interest in the cause ; there is an action pending between him and the party : these are principal grounds of challenge, and, if true, cannot be over-ruled.’—
(*Blackstone's Commentaries.*)

“ Gentlemen,—It would be an unpardonable waste of your time, and an insult to your understandings, to press upon you more authorities, for those I have submitted are clear to the point.

“ You will now decide, gentlemen, whether Law or Justice shall finally prevail over the contrivances of George Crosley : you have the eyes of an anxious public upon you, trembling for the safety of their property, their liberty, and their lives.

“ To you has fallen the lot of deciding a point which involves perhaps the happiness or misery of millions yet unborn ; and I conjure you in the name of the Almighty God, in whose presence you stand, to consider the inestimable value of the precious deposit with which you are entrusted.

“ For my own part, knowing you as I do, I have no apprehensions. I feel assured, that neither expectations of reward and favour, nor dread of persecution, will influence your decision.

“ It is to the *Officers of the New South Wales Corps* that the administration of justice is committed ;—and who that is just has any thing to dread ?

(Signed)

“ JOHN MACARTHUR.”

“ Sydney, January 25, 1808.”

No. 4. Page 116.

“ DEPOSITION.

“ The prisoner John Macarthur, Esq., now before the Court, claims their protection, he having received information from divers friendly persons, that a large body of men are armed, with orders to carry into execution a warrant from the Judge Advocate against him for exercising

his lawful right of challenge against the said Judge Advocate, and assigning his reasons for it, as he was directed to do by the Court.

"The deponent farther swears, that from the information he has received, he considers his life in danger from the unprincipled and atrocious characters that are combined against him under the direction of the infamous George Crosley: he therefore declines giving any bail, and entreats the Court will be pleased to put him under the protection of a *military guard*, they being the only persons in whose hands he could consider himself secure.

(Signed) "J. MACARTHUR."

"Sworn before the Court of Criminal Jurisdiction,
this 25th day of January, 1808.

(Signed) "A. F. KEMP, Senior Member,
J. BRABYN, Lieut.
WM. MOORE, Lieut.
THOS. LAYCOCK, Lieut.
WM. MINCHIN, Lieut.
WM. LAWSON, Lieut."

No. 5. Page 126.

"To the Keeper of His Majesty's Jail at Sydney.

"You are hereby required and directed immediately to deliver into the custody of Garnham Blaxcell and Nicholas Bayly, Esqrs., the body of John Macarthur, Esq., who was committed by warrant dated the 25th instant, signed by Richard Atkins, Thomas Arndell, Robert Campbell, and John Palmer, Esqrs.; it having been represented to me by the officers composing the Court of Criminal Judicature, that the bail bond entered into by the said Garnham Blaxcell and Nicholas Bayly remains in full force.—Herein fail not, as you will answer the same at your peril.

"Given under my hand and seal at Sydney, New South Wales,
this twenty-sixth day of January, 1808.

(Signed) "GEORGE JOHNSTON, I. P.
"Lieutenant Governor, and Major commanding
New South Wales Corps."

No. 6. Page 129.

"The regiment marched down from the barracks, led on by Major Johnston and the other officers, with colours flying and music playing as

they advanced to the house. Within a few minutes after, the house was surrounded ; the soldiers quickly broke into all parts of it, and arrested all the magistrates, Mr. Gore the provost-marshal, Mr. Griffin my secretary, and Mr. Fulton the chaplain. I had just time to call to my orderly serjeant to have my horses ready, while I went up stairs to put on my uniform, the family being then in deep mourning ; when, on my return, as I was standing on the staircase waiting for my servant with my sword, I saw a number of soldiers rushing up stairs with their muskets and fixed bayonets, as I conceived to seize my person. I retired instantly into a back room, to defeat their object, and to deliberate on the means to be adopted for the restoration of my authority, which in such a critical situation could only be accomplished by my getting into the interior of the country adjacent to the Hawkesbury, where I knew the whole body of the people would flock to my standard. To this situation I was pursued by the soldiers, and after experiencing much insult was conducted below by Lieut. Minchin, who told me that Major Johnston was waiting for me. We passed together into the drawing-room, every part being crowded with soldiers under arms, many of whom appeared to be intoxicated.

“ I then received a letter brought by Lieut. Moore, and signed by Major Johnston (calling himself Lieutenant Governor), requiring me to resign my authority, and to submit to the arrest under which he placed me ; which I had scarcely perused, when a message was delivered to me that Major Johnston wished to speak to me in the adjoining room, at the door of which he soon after appeared, surrounded by his officers and soldiers ; and in terms much to the same effect as his letter, he there verbally confirmed my arrest. Martial law was proclaimed, my secretary and my friends were prevented from seeing me, and I was left only with my daughter and another lady.

“ By Major Johnston’s order several persons seized my cabinet and papers, with my commission, instructions, and the great seal of the colony. These were locked up in a room guarded by two sentinels, and several others were placed round the house to prevent my escape.

“ On the following day Lieut. Moore came with Major Johnston’s orders, and carried away my swords and what fire-arms he found in the house.”

The following is a copy of the letter alluded to by the Governor.

“ Head Quarters, 26th January, 1808.

“ Sir,

“ I am called upon to execute a most painful duty : you are charged

by the respectable inhabitants of crimes that render you unfit to exercise the supreme authority another moment in this colony; and in that charge all the officers serving under my command have joined.

“ I therefore require you in His Majesty’s sacred name to resign your authority, and submit to the arrest which I hereby place you under by the advice of all my officers, and by the advice of every respectable inhabitant in the town of Sydney.

“ I am, Sir,

“ Your most obedient humble servant,

(Signed) “ GEORGE JOHNSTON,

“ Acting Lieutenant-Governor, and Major commanding New South Wales Corps.”

“ To William Bligh, Esq. F.R.S.

&c. &c. &c.”

No. 7. Page 147.

“ GENERAL ORDERS.

“ Horse-Guards, 2nd July, 1811.

“ At a General Court-Martial, held at the Royal Hospital, Chelsea, on the 7th of May, 1811, and continued by adjournment to the 5th of June following, Lieut.-Col. George Johnston, Major of the 102d regiment, was arraigned upon the under-mentioned Charge, viz.—

‘ That Lieut.-Col. George Johnston, Major as aforesaid, did, on or about the 26th day of January, 1808, at Sydney, in the colony of New South Wales, begin, excite, cause, and join in, a mutiny, by putting himself at the head of the New South Wales Corps, then under his command and doing duty in the colony, and seizing and causing to be seized and arrested, and imprisoning and causing to be imprisoned, by means of the above-mentioned military force, the person of William Bligh, Esq., then Captain-General and Governor in Chief in and over the territory of New South Wales.’

“ Upon which Charge the Court came to the following decision :—

“ ‘ The Court having duly and maturely weighed and considered the whole of the evidence adduced on the prosecution, as well as what has been offered in defence, are of opinion that *Lieut.-Col. Johnston* is *Guilty* of the act of mutiny as described in the charge, and do therefore sentence him to be *cashiered*.’

“ His Royal Highness the Prince Regent, in the name and on behalf

of His Majesty, was pleased, under all the circumstances of this case, to acquiesce in the sentence of the Court.

“ The Court, in passing a sentence so inadequate to the enormity of the crime of which the prisoner has been found guilty, have apparently been actuated by a consideration of the novel and extraordinary circumstances, which, by the evidence on the face of the proceedings, may have appeared to them to have existed during the administration of Governor Bligh, both as affecting the tranquillity of the colony, and calling for some immediate decision. But although the Prince Regent admits the principle under which the Court have allowed this consideration to act in mitigation of the punishment which the crime of mutiny would otherwise have suggested, yet no circumstances whatever can be received by His Royal Highness in *full* extenuation of an assumption of power, so subversive of every principle of good order and discipline, as that under which Lieut.-Col. Johnston has been convicted.

“ The Commander in Chief directs that the charge preferred against Lieut.-Col. Johnston, together with the Sentence of the Court, and His Royal Highness the Prince Regent's pleasure thereon, shall be read at the head of every regiment, and entered in the Regimental Orderly Book.

“ By command of His Royal Highness

“ The Commander in Chief,

“ HARRY CALVERT, Adj.-Gen.”

No. 8. Page 159.

*Extracts from a Report, by Governor Macquarie, to Earl Bathurst,
dated London, July 27, 1822.*

“ I found the colony barely emerging from infantile imbecility, and suffering from various privations and disabilities; the country impenetrable beyond forty miles from Sydney; agriculture in a yet languishing state; commerce in its early dawn; revenue unknown; threatened with famine; distracted by faction; the public buildings in a state of dilapidation and mouldering to decay; the few roads and bridges formerly constructed rendered almost impassable; the population in general depressed by poverty; no public credit nor private confidence; the morals of the great mass of the population in the lowest state of debasement, and religious worship almost totally neglected.

“ Part of those evils may perhaps be ascribed to the mutiny of the

102d regiment; the arrest of Governor Bligh; and the distress occasioned to the settlers by the then recent floods of the Hawkesbury and Nepean Rivers, from whose banks chiefly the colony was at that time supplied with wheat.

“ Such was the state of New South Wales when I took charge of its administration on the 1st of January, 1810. I left it in February last, reaping incalculable advantages from my extensive and important discoveries in all directions, including the supposed insurmountable barrier called the Blue Mountains, to the westward of which are situated the fertile plains of Bathurst; and, in all respects, enjoying a state of private comfort and public prosperity, which I trust will at least equal the expectation of His Majesty’s Government. This change may indeed be ascribed in part to the natural operation of time and events on individual enterprise: how far it may be attributed to measures originating with myself, as hereinafter detailed, and my zeal and judgment in giving effect to my instructions, I humbly submit to His Majesty and his Ministers.

“ I have much satisfaction in having it in my power to state to your Lordships, that the progressive improvement and internal resources of the colony, in the great increase of the flocks and herds, and in the quantity of ground cleared and brought into tillage, keep pace with the great increase of population, as your Lordship will see by the following Comparative Statement: namely,—

“ Statement of Population, &c. in March, 1810, on the first general Muster and Survey after my arrival in the colony:

Population, including the 73rd and 102nd regiments	11,590
Horned cattle	12,442
Sheep	25,888
Hogs	9,544
Horses	1,134
Acres of land cleared and in tillage under various crops	7,615

“ And in October, 1821, on the last general Muster and Survey before my departure:

Population, including the military	38,778
Horned cattle	102,939
Sheep	290,158
Hogs	33,906
Horses	4,564
Acres of land cleared and in tillage under various crops	32,267

“ On my taking the command of the colony in the year 1810, the amount of Port Duties collected did not exceed £8000 per annum, and there were only £50 or £60 of a balance in the treasurer's hands ; but now duties are collected at Port Jackson to the amount of from £28,000 to £30,000 per annum. In addition to this annual colonial revenue, there are port duties collected at Hobart Town, and George Town in Van Dieman's Land, to the amount of between £8000 and £10,000 per annum.

“ The decayed and dilapidated state of all the public buildings both at Sydney and the subordinate settlements, and the state of the public roads and bridges throughout the colony, claimed my early attention ; but the resources then under my control were very inadequate to repairs and improvements of that nature ; my plans were circumscribed, and my progress retarded accordingly.

“ At that time there were no colonial funds to defray the expense of constructing such works ; and there were then very few convict artificers or labourers in the colony : but since the existence of a colonial revenue, and after so great an increase of convict artificers and labourers as has taken place within the last seven years, all the public buildings in the colony (with a very few exceptions) have been erected by the government artificers and labourers ; as have also all the roads and bridges.”

No. 9. Page 316.

Extract of the Assignment Regulations established by Sir Richard Bourke.

“ 2. Convicts will be assigned to persons holding under any of the foregoing tenures, according to the following scale, viz. :—

160 acres	1 man
320 ..	2 ..
480 ..	3 ..
640 ..	4 ..

And one man additional for every forty acres, not exceeding 640 acres, under plough or hoe culture.

“ For every additional 160 acres of any quantity not exceeding

1280, 1 man.

“ For every additional 640 acres, 2 men.

Provided that no one person shall in the whole have more than seventy assigned convicts in his service at any one time.

“ Persons holding under any of the foregoing tenures less than 160 acres will be allowed convict labourers, but not mechanics, for land under plough or hoe culture, in the following proportions :—

20 acres	1 man.	80 acres	3 men.
40 ..	2 men.	120 ..	4 ..”

The tenures alluded to in the preceding Regulation are freehold and leases of not less than three years.

Additional Assignment Regulations.

“ 1. The Board of Assignment having reported to the Governor, with reference to the 33rd paragraph of the Regulations for the assignment of male convicts, dated the 9th May, 1835, that a larger supply of convict labour may hereafter be appropriated to private service, than was contemplated when the scale contained in the 2nd paragraph of these Regulations was framed ; His Excellency has been pleased to direct that the following scale of qualification, according to which agricultural labourers and mechanics will in future be assigned, be adopted in lieu of that promulgated by the Regulations referred to, namely—

160 Acres	.	.	.	.	.	.	2 men.
240	.	.	.	.	.	.	3 men.
320	.	.	.	.	.	.	4 men.
400	.	.	.	.	.	.	5 men.
480	.	.	.	.	.	.	6 men.
560	.	.	.	.	.	.	7 men.
640	.	.	.	.	.	.	8 men.

“ For every additional 160 acres, not exceeding in the whole 1920 acres 1 man.

“ For every additional half section or 320 acres, above 1920 acres 1 man.

“ And in addition

“ For 20 acres under hoe or plough culture 1 man.

.. 40 do. do. . . . 2 men.

.. 60 do. do. . . . 3 men.

.. 80 do. do. . . . 4 men.

And one man additional for every 40 acres above 80, and not exceeding 640 acres, under hoe or plough culture.

“ Provided that no person shall, in the whole, have more than seventy convicts assigned to his service at any one time, exclusive of domestic servants and boys, under Regulations of 18th March, 1833.

“ Persons holding less than 160 acres will be allowed convict la-

bourers, but not mechanics, for land under hoe or plough culture, in the following proportions :—

20 acres	.	.	.	.	.	1 man.
40 ditto	.	.	.	.	.	2 men.
60 ditto	.	.	.	.	.	3 men.
80 ditto	.	.	.	.	.	4 men.
100 ditto	.	.	.	.	.	5 men.
120 ditto	.	.	.	.	.	6 men.

“ 2. It is to be understood that the land forming the qualification for assigned servants is to be held under the terms and conditions required by the first paragraph of the Regulations of the 9th May, 1835.

“ 3. Any persons who, having made the regular applications and returns through the Special Sessions in September last, are desirous of availing themselves of the enlarged scale now published, will address themselves direct to the Board of Assignment, stating the number of labourers or mechanics they require. Such persons as failed to apply at the Special Sessions in consequence of their being fully supplied, according to the former scale, will send in applications and returns in the form and manner specified in the fourth paragraph of the Regulations of the 9th of May, to the nearest petty sessions or magistrate acting singly, who will forward the same with the report required by paragraph 5 of those Regulations, to the Board of Assignment.

“ 4. Persons desirous of availing themselves of any additional qualification in land, obtained at any time after their applications have been made to the Special Sessions, in September, in any year, are permitted to send in to the Board of Assignment amended applications and returns of such newly acquired land, through the nearest petty sessions or magistrate acting singly, in form and manner required by the fourth paragraph of the Regulations of the 9th of May last.

“ 5. It is to be distinctly understood, that nothing herein contained is intended to annul the 5th paragraph of the Regulations of the 9th May last, which directs that all applications for convict labourers and mechanics assignable in the country shall be renewed at the Annual Special Sessions, to be held in September of each year.

“ 6. Not more than one domestic servant of each description will be assigned to any one individual ; and the Petty Sessions and magistrates are specially requested and enjoined to sign no application for domestic servants, unless the parties applying are in a condition of life to require them.

“ 7. Any person not possessing the qualification required by the

existing Regulations, who, by assignments made previously to the operation of the Regulations of the 9th of May, 1835, is found to have convicts in his service, will not receive any domestic servants, whatever may be his condition of life, until the number of such be reduced below four; and any person having by former assignment more than the full number of assigned servants allowed by the scale now promulgated, will not receive any convicts as a domestic servant until the excess be reduced below four.

“8. It having been represented to the Governor, that much inconvenience and loss have been experienced by assignees who have been deprived of one or more of their assigned servants by reason of the capital conviction or transportation of those servants, and the impossibility, in some of the more remote parts of the colony, of obtaining free labourers to supply their places; His Excellency is pleased to direct, that in all cases in which it shall appear that the Regulations of Government have been fully carried into effect for the maintenance and control of the assigned servants so convicted or transported, and that the commission of the offence was not in any way attributable to misconduct or neglect of the assignee, he shall be immediately supplied with the number of labourers, including the equivalent for any mechanic, of which he may have been thus deprived by sentence of the law. Applications for servants under the circumstances stated, are to be made to the Governor, through the Colonial Secretary, accompanied by a certificate of the conviction of the servants, and of the committing magistrate, as to the circumstances attending the commission of the offence.

“9. Vacancies in the number of assigned servants occasioned by death, will be filled as soon as circumstances permit, upon the casualty being reported by the assignee to the Principal Superintendent of Convicts, and by the latter to the Board of Assignment.”

No. 10. Page 344.

ABSTRACT OF THE CENSUS OF THE POPULATION
OF NEW SOUTH WALES TAKEN IN SEPTEMBER, 1833.

Male.			Female,			Total.
Free.		Convict.	Free.		Convict.	
Above 12.	Under 12.		Above 12.	Under 12.		
17,542	5256	21,845	8522	4931	2698	60,794

RELIGION.

Protestant.	Roman Catholic.	Jews.	Pagans.	Uncertain.
43,095	17,238	345	56	42

POPULATION OF SYDNEY IN 1833.

Male.			Female.			Total.
Free.		Convict.	Free.		Convict.	
Above 12.	Under 12.		Above 12.	Under 12.		
6108	1850	1855	3697	1837	885	16,232

RELIGION.

Protestant.	Roman Catholic.	Jews.	Pagans.	Uncertain.
12,079	3922	209	22	

ESTIMATE OF THE PRESENT AMOUNT OF THE GENERAL
POPULATION.

Population, as per census 2d Sept., 1833	60,794
Emigrants arrived from 2d Sept. to 31st Dec. 1833, being } average of the year	892
Convicts do. do. do. do.	1,380
Births do. do. do. do.	620
Emigrants arrived from 1st Jan., 1834, to 30th June, 1836	3,616
Convicts do. do. do. do.	8,559
Births do. do. being average of 1834	5,000
	20,067
Deaths from 2d Sept., 1833, to 30th June, 1836, average	80,861
	3,500
Population, 30th June, 1836,	77,361

No. 11. Page 364.

RETURN OF THE AMOUNT OF IMPORTS AND EXPORTS, INTO AND FROM NEW SOUTH WALES, DURING THE FOLLOWING YEARS, AND OF THE NUMBER OF VESSELS AND AMOUNT OF TONNAGE EMPLOYED.

1. IMPORTS.

Year.	From									Tonnage.		
	Gt. Britain.			British Colonies.			Foreign States and Fisheries.			Total.	Number of Vessels.	Tons. Men.
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1828	399,891	7	11	125,862	7	9	44,246	4	4	570,000	0	0
1829	423,463	0	0	135,486	0	0	42,055	0	0	601,004	0	0
1830	268,935	0	0	60,356	0	0	91,189	0	0	420,480	0	0
1831	241,989	0	0	68,804	0	0	179,359	0	0	490,152	0	0
1832	409,344	0	0	47,895	0	0	147,381	0	0	604,620	0	0
1833	434,220	0	0	61,662	0	0	218,090	0	0	713,972	0	0
1834	669,663	0	0	124,570	0	0	197,757	0	0	991,990	0	0
1835	707,183	0	0	144,784	0	0	240,533	0	0	1,092,500	0	0

2. EXPORTS.

Year.	To									Tonnage.		
	Gt. Britain.			British Colonies.			Foreign States and Fisheries.			Total.	Number of Vessels.	Tons. Men.
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1828	84,005	17	8	4,845	13	10	1,198	18	2	90,050	9	8
1829	146,283	0	0	12,692	0	0	2,741	0	0	101,716	0	0
1830	120,559	0	0	15,597	0	0	5,305	0	0	141,461	0	0
1831	211,138	0	0	60,354	0	0	52,676	0	0	324,168	0	0
1832	252,106	0	0	63,934	0	0	68,304	0	0	384,344	0	0
1833	269,508	0	0	67,344	0	0	57,949	0	0	394,801	0	0
1834	400,738	0	0	128,311	0	0	58,691	0	0	587,640	0	0
1835	495,937	0	0	68,721	0	0	66,223	0	0	630,881	0	0

No. 11.—(Continued.)

RETURN OF THE PRINCIPAL ARTICLES IMPORTED INTO
NEW SOUTH WALES, DURING THE YEARS 1828 to 1835.

Year.	Spirits.	Wines.	Beer and Ale.	Tea.	Sugar.	Coffee.
	Gallons.	Gallons.	Gallons.	Pounds.	Pounds.	Pounds.
1828	339,978	197,360	194,750	129,404	4,412,800	15,708
1829	283,198	227,987	238,418	355,236	1,987,897	5,346
1830	99,459	52,671	214,956	338,825	4,746,560	3,623
1831	130,976	78,751	76,067	602,709	3,119,648	17,380
1832	373,599	161,410	244,490	106,849	4,668,578	5,795
1833	204,089	65,975	198,193	407,624	3,778,880	55,188
1834	352,721	221,057	226,756	789,945	7,445,781	23,189
1835	501,282	283,234	274,798	1,272,853	5,422,196	200,002

Year.	Salt Provisions.	Tobacco.	Cottons.	Linens.	Silks.	Woollens.	Soap, Tallow, and Candles.
	Pounds.	Pounds.	Yards.	Yards.	Yrds.	Yards.	Pounds.
1828	710,376	384,067	659,463	351,752	31,048	£20,849 value.	353,921
1829	536,432	230,404	498,212	156,103	23,940		264,127
1830	413,317	42,471	391,444	66,166	17,725		11,296
1831	94,268	165,000	781,226	76,235	7,200		68,419
1832	1,841,812	84,241	120,663	126,318	28,867		251,080
1833	307,440	312,419	878,625	200,694	28,365	139,500	301,058
1834	3,147,159	289,828	1,447,839	283,358	38,962	305,795	259,286
1835	388,458	249,851	1,642,390	140,770	38,415	313,656 exclusive of 18,071 pairs of blankets, &c. &c.	485,024

No. 11.—(Continued.)

RETURN OF THE PRINCIPAL ARTICLES OF COLONIAL EXPORT,
SHIPPED FROM NEW SOUTH WALES, DURING THE FOLLOWING
YEARS.

Year.	Wool.	Cedar.	Blue Gum.	Tree-nails.	New Zealand Flax.	Sperm Oil.	Black Oil.	Whale-bone.	Cocoa Nut and Sea Elephant Oil.
	Pounds.	Feet.	Feet.	No.	Tons.	Tons.	Tons.	Tons.	Tons.
1828	834,343*	847,805	285,541	65,837	60	311	28	0 17	123
1829	1,005,333	940,486	608,647	181,817	270	921	—	—	—
1830	899,750	368,830	179,403	23,959	602	983	98	9 16	92
1831	1,401,284	580,393	302,410	24,316	751 $\frac{3}{4}$	1571	505	28 0	57 $\frac{3}{4}$
1832	1,515,156	418,930	214,462	186,831	800 $\frac{1}{2}$	2491	695	43 0	—
1833	1,734,203	1,086,437	147,170	328,503	211	3048 $\frac{1}{2}$	418	27 0	—
1834	2,246,933	899,492	35,550	212,467	391	2759 $\frac{1}{2}$	976	4 12	—
1835	3,776,191	922,542	209,128	196,969	244	2904	1159	108 0	—

* The quantity of wool shipped in 1819 was 71,299 lbs.

1820	112,616
1821	175,433
1822	172,880
1823	198,240
1824	275,560
1825	411,600
1826	552,960
1827	407,116

Year.	Seal-skins.	Hides.	Butter and Cheese.	Salt Provisions.	Maize.	Flour and Biscuit.	Coals.	Cattle.	Horses.
			Pounds.	Pounds.	Bushels.	Pounds.	Tons.		
1828	8,723	4,415					974		
1829	11,362	8,771							
1830	9,720	10,747		313,152		272,037			132
1831	4,424	14,320	131,376	361,760	7,280	504,000			338
1832	1,415	44,335	156,566	1,265,764	10,437	982,339	866	54	184
1833	1,890	12,117	150,528	1,122,240	6,347	1,489,600	1,339	298	161
1834	890	40,830	1,408,736	1,722,000	22,038	1,198,960	2,023	186	91
1835	667	35,679	224,000	1,675,520	954	846,720	2,492	111	107

Year.	Sheep.	Tobacco and Snuff.	Soap and Candles.	Tallow.
		Pounds.	Pounds.	Pounds.
1831			43,344	
1832	264	21,448	48,993	110,125
1833		19,936	87,752	42,025
1834	862	44,184	25,200	
1835	2,402	128,211	76,160	

No. 12. Page 364.

VIEW OF THE PROGRESSIVE INCREASE OF THE REVENUE
OF THE COLONY OF NEW SOUTH WALES.

1826	.	.	.	.	.	.	72,220	18	8½
1827	.	.	.	.	.	.	79,309	13	8½
1828	.	.	.	.	.	.	94,862	7	4½
1829	.	.	.	.	.	.	102,784	16	2
1830	.	.	.	.	.	.	104,729	4	1¼
1831	.	.	.	.	.	.	121,065	14	11
1832	.	.	.	.	.	.	135,909	15	6½
1833	.	.	.	.	.	.	164,063	5	10
1834	.	.	.	.	.	.	205,535	10	2½
1835	.	.	.	.	.	.	273,744	13	11½
1836	Estimated amount, including £60,000 of estimated balance over expenditure for 1835						259,300	0	0
	More probably						300,000	0	0

No. 13. Page 375.

RETURN OF VESSELS BELONGING TO THE UNITED STATES
OF AMERICA THAT HAVE ARRIVED IN NEW SOUTH
WALES FROM 1832 TO JUNE 15, 1836.

Year.	Vessels.	Tons.	Whence.
1832	Tybee . .	298	United States
1833	Ditto . .	ditto	South Sea Islands
—	Black Warrior . .	248	United States
1834	Tybee . .	298	Ditto
—	Black Warrior . .	248	Ditto
—	Augustus . .	241	South Sea Islands
—	Malta . .	149	Ditto
—	Ditto . .	ditto	Ditto
1835	Henry Clay . .	435	United States
—	Margaret Oakley . .	250	South Sea Islands
—	Black Warrior . .	248	Ditto
—	Brothers . .	258	United States
—	Charles Doggett . .	110	Ditto
—	Draco . .	258	Ditto
—	Huron . .	290	Sperm Fishery
—	Tybee . .	298	United States
—	Tim . .	164	Ditto
—	Chalcedony . .	214	Ditto
—	Corvo . .	348	Ditto
—	Augustus . .	241	Manilla
—	Sarah Lee . .	235	Sperm Fishery
—	Halcyon . .	311	South Sea Islands
—	Charles Doggett . .	110	Ditto
1836	Vermont . .	292	Sperm Fishery
—	Favourite . .	293	Ditto
—	Chalcedony . .	214	New Zealand
—	Black Warrior . .	248	United States
—	Palinure . .	369	Ditto
		7,115	

N.B. The cargoes from the United States have hitherto consisted chiefly of flour, bread, furniture, turpentine, &c. &c.

No. 14. Page 382.

*Extract of Melville's Letter to his owners in London, on the subject of
establishing a Sperm-Whale Fishery in New South Wales.*

“ Ship Britannia, Sydney, Port Jackson, Nov. 29th, 1791.

“ Gentlemen,

“ I have the pleasure to inform you of our safe arrival in Port Jackson, in New South Wales, after a passage of fifty-five days from the Cape of Good Hope.

“ The day before we made the island of Amsterdam, we saw two shoals of sperm whales. After we doubled the south-west cape of Van Dieman's Land, we saw a large sperm whale off Maria's Islands, but did not see any more, being very thick weather and blowing hard, till within fifteen leagues of the latitude of Port Jackson. Within three leagues of the shore we saw sperm whales in great plenty: we sailed through different shoals of them from twelve o'clock in the day till after sunset, all round the horizon, as far as I could see from the mast-head: in fact, I saw a very great prospect in making our fishery upon this coast, and establishing a fishery here. Our people were in the highest spirits at so great a sight, and I was determined, as soon as I got in and got clear of my live lumber, to make all possible dispatch on the fishery on this coast.

“ On our arrival here, I waited upon His Excellency Governor Phillip, and delivered my letters to him. I had the mortification to find he wanted to dispatch me with my convicts to Norfolk Island, and likewise wanted to purchase our vessel to stay in the country; which I refused to do. I immediately told him the secret of seeing the whales, thinking that would get me off going to Norfolk Island, that there was a prospect of establishing a fishery here, and might be of service to the colony, and left him. I waited upon him two hours afterwards with a box directed to him: he took me into a private room; he told me he had read my letters, and that he would render me every service that lay in his power; that next morning he would dispatch every long-boat in the fleet to take our convicts out, and take our stores out immediately; which he did accordingly, and did every thing to dispatch us on the fishery. Captain King used all his interest in the business. The secret of seeing whales

our sailors could not keep from the rest of the whalers here: the news put them all to the stir, but have the pleasure to say, we were the first ship ready for sea, notwithstanding they had been some of them a month arrived before us. We went out, in company with the William and Ann, the eleventh day after our arrival. The next day after we went out, we had very bad weather, and fell in with a very great number of sperm whales. At sun-rising in the morning, we could see them all round the horizon. We run through them in different bodies till two o'clock in the afternoon, when the weather abated a little, but a very high sea running. I lowered away two boats, and Bunker followed the example: in less than two hours we had seven whales killed, but unfortunately a heavy gale came on from the south-west, and took the ship a-back with a squall, that the ship could only fetch two of them; the rest we were obliged to cut from, and make the best of our way on board to save the boats and crew. The William and Ann saved one; and we took the other, and rode by them all night with a heavy gale of wind. Next morning it moderated, and we took her in; she made us twelve barrels. We saw large whales next day, but were not able to lower away our boats: we saw whales every day for a week after, but, the weather being so bad, we could not attempt to lower a boat down. We cruised fifteen days in all. The day after we came in, the Mary Ann came in off a cruise, having met with very bad weather, shipped a sea, and washed her try-works overboard. He informed me he left the Matilda in a harbour to the northward, and that the Salamander had killed a forty-barrel whale, and lost her by bad weather. There is nothing against making a voyage on this coast but the weather, which I think will be better next month: I think to make another month's trial of it. If a voyage can be got upon this coast, it will make it shorter than going to Peru.

“The colony is all alive, expecting there will be a rendezvous for the fishermen. We have the pleasure to say, we killed the first four whales on this coast.

“I am, Sirs, your humble servant,

“THOMAS MELVILLE.”

“Messrs. Samuel Enderby and Sons.”

No. 15. Page 383.

RETURN OF THE PRODUCE OF THE FISHERIES BY VESSELS
BELONGING TO NEW SOUTH WALES DURING THE YEARS 1828
TO 1835, INCLUSIVE.

Year.	No.	Vessels.	Men.	Sperm Oil.	Black Oil.	Sea Elephant Oil.	Seal Skins.	Whalebone.	Value.
		Tonnage.		Tons.	Tons.	Tons.	No.	Tons.	£.
1828	—	—	—	311	28	31	8,723	0 17 0	27,011
1829	28	2,739	421	885	—	48	12,350	—	—
1830	32	3,687	444	1282	582	47	5,617	—	—
1831	31	5,391	592	1914	1,004	—	4,972	—	120,752
1832	20	3,497	415	1482	391	—	891	10 0 0	87,558
1833	27	6,922	784	3483	420	—	2,465	24 0 0	169,278
1834	34	5,534	647	2243	1,124	—	1,105	41 0 0	139,498
1835	22	5,162	609	2339	1,288	—	850	127 0 0	147,373

LIST AND TONNAGE OF VESSELS BELONGING TO NEW SOUTH
WALES, EMPLOYED IN THE WHALE-FISHERY, DEC. 31, 1835.

	Tons.		Tons.		Tons.
Australian	264	Genii	164	Pocklington	202
Anastatia	211	Guide	147	Proteus	254
Avon	261	Juno	212	Scamander	192
Bee	134	Jane	221	Sisters	281
Caernarvon	222	Lady Blackwood	253	Tamar	197
Caroline	196	Lady Leith	153	Tigress	192
Cape Packet	210	Lady Wellington	196	Vittoria	281
Clarkstone	278	Lunar	165	William Wallace	262
Cornwallis	177	Lynx	180	Wolf	265
Denmark Hill	252	Louisa	242	Woodlark	245
Earl Stanhope	295	Lucy Anne	214	William	324
Elizabeth	363	Mary	250		
Fame	203	Nereus	125		
Governor Bourke	214	Nimrod	231		
Governor Halket	332	Nourmahul	197		
				Total	9257
				41 Vessels in all.	

No. 16. Page 384.

RETURN OF THE GROSS DECLARED VALUE OF EXPORTS AND
IMPORTS TO AND FROM THE PORTS OF NEW SOUTH WALES,
AND ANY PART OF NEW ZEALAND, DURING 1833—1835.

Exports.				Imports.			
	£.	s.	d.		£.	s.	d.
In 1833,	14,199	0	0	.	20,333	0	0
In 1834,	23,498	0	0	.	18,037	0	0
In 1835,	40,746	0	0	.	28,711	0	0

Custom House, Sydney,
14th July, 1836.

J. GIBBS, Collector.
R. S. WEBB, Acting Controller.

No. 17. Page 388.

RETURN OF THE NUMBER OF VESSELS BUILT AND REGISTERED IN NEW SOUTH WALES, FROM 1822 TO 1835.

Year.	Vessels Built.		Vessels Registered.		Crew.
	No.	Tons.	No.	Tons.	No.
1822			3	163	
1823			3	182	
1824			5	157	
1825			2	119	
1826			12	654	
1827			9	434	
1828	6	162	13	478	
1829	15	512	5	428	51
1830	3	72	25	1,777	
1831	5	112	38	3,224	392
1832	5	222	21	2,143	241
1833	6	393	29	2,655	233
1834	9	376	19	1,852	139
1835	7	303	21	2,267	192

No. 18. Page 390.

BANK OF NEW SOUTH WALES.

Instituted November, 1816. Capital £150,000, in 1500 Shares.

Result of Affairs, 30th June, 1836.

	£.	s.	d.		£.	s.	d.
Stock . . .	92,955	0	0	Bills discounted . . .	214,893	18	4
Notes out . . .	32,222	0	0	Coin . . .	74,751	10	5
Deposits . . .	159,131	11	1	Mortgages . . .	2,524	2	2
Profit . . .	7,946	7	4	Furniture, &c. . .	300	0	0
Unclaimed dividends	214	12	6				
	292,469	10	11		292,469	10	11

Dividend, 30th June, 1836, 9 per cent for that half-year.

BANK OF AUSTRALIA.

Instituted February, 1826. Capital £220,000.

Result of Affairs, 30th June, 1836.

	£.	s.	d.		£.	s.	d.
Stock . . .	86,186	5	0	Bills discounted . . .	223,130	0	6
Notes out . . .	37,103	0	0	Coin . . .	54,502	18	5
Deposits . . .	147,501	14	5	Mortgages . . .	3,400	0	0
Accumulating fund . . .	2,000	0	0	Bonds . . .	613	5	6
Profit . . .	8,855	5	0				
	281,646	4	5		281,646	4	5

Dividend, 30th June, 1836, 8 per cent, with $2\frac{1}{2}$ per cent from the accumulating fund, making the dividend for the half-year $10\frac{1}{2}$ per cent.

COMMERCIAL BANKING COMPANY OF SYDNEY.

Instituted November, 1834. Capital £300,000, in 3000 Shares.

Result of Affairs, 30th June, 1836.

	£.	s.	d.		£.	s.	d.
Stock . . .	115,567	0	0	Bills discounted .	201,587	0	0
Notes out . .	30,320	0	0	Coin . . .	40,645	0	0
Deposits . . .	99,036	0	0	Bonds . . .	6,274	0	0
Profits by discount .	9,864	0	0	Balances due by } other Banks .	4,973	0	0
Expenses, salaries .	803	0	0	Real estate . .	2,325	0	0
Interest on deposits .	1,081	0	0	Furniture, &c. .	876	0	0
Loss by a forgery .	9	0	0				
	<u>256,680</u>	<u>0</u>	<u>0</u>		<u>256,680</u>	<u>0</u>	<u>0</u>

Dividend, 30th June, 1836, $7\frac{1}{2}$ per cent for that half-year.

BANK OF AUSTRALASIA.

Commenced business in the colony 14th December, 1835. Capital £200,000 paid up. Interest allowed on current Accounts, at the rate of 4 per cent per Annum.

Result of Affairs, 11th April, 1836.

	£.	s.	d.		£.	s.	d.
Notes in circulation } not bearing interest }	6,755	17	8	Coin and bullion in } Bank . . . }	25,256	14	10
Bills in circulation } not bearing interest }	2,508	17	1	Landed property of } the Corporation . }	0	0	0
Bills and Notes in } circulation bearing } interest }	0	0	0	Bills of other Banks	0	0	0
Balance due to other } Banks . . . }	0	0	0	Balance due from } other Banks . . }	429	6	10
Cash deposited not } bearing interest . }	24,499	14	2	Bills and debts due } to the Bank . . }	60,486	8	0
Cash deposited bear- } ing interest . . }	10,106	14	8				
	<u>43,871</u>	<u>3</u>	<u>7</u>		<u>86,172</u>	<u>9</u>	<u>8</u>
Total liabilities } within the colony }	43,871	3	7	Total assets within } the colony . . }	86,172	9	8

In addition to the above assets, the average amount of the paid up capital of the Corporation in hands of the Court of Directors in London, for the use of the Colonial Establishment, was £98,630. 9s. 2d.

AUSTRALIAN MARINE ASSURANCE COMPANY.

Established July, 1831. Capital £140,000; £14,000 paid up.

Dividend, 30th June, 1836, $8\frac{1}{2}$ per cent for that half-year.

UNION ASSURANCE COMPANY OF SYDNEY.

Established January, 1836. Capital £250,000, in 5000 Shares. Capital paid up, £2. 10s. per Share, £12,500. Profits not to be divided for three years. Capital increased to £16,659, 30th June, 1836.

SAVINGS' BANK.

Established by Act of Council, 9th March, 1835.

Result of Affairs, 31st December, 1835.

	£.	s.	d.		£.	s.	d.
Amount to the credit of 584 depositors, including interest, at 5 per cent, to 31st Dec. 1835	24,469	17	6	Amount lent on 60 mortgages, with interest due thereon, to 31st Dec. 1835	23,876	18	3
Amount deposited by Government on account of 2175 convicts, including interest, at 5 per cent, to 31st Dec. 1835	8,023	18	11	Do., lent on 40 bills	8,166	10	11
Amount to credit of the Hibernia subscription fund, including interest, at 5 per cent, to 31st Dec. 1835	121	13	6	Do., in hands of the colonial treasurer	2,066	12	4
Balance of interest in favour of the institution, after allowing 5 per cent on all deposits	1,759	1	4				
Deduct charge for 1835.							
Accountt's salary	200	0	0				
Stationery, iron chest, &c.	19	1	0				
Furniture for, alterations to, and securing new office	105	8	9				
	324	9	9				
	1,434	11	7				
	34,050	1	6				
					34,050	1	6

It was resolved by the Trustees, and approved by the Governor, that in addition to the 5 per cent placed to the credit of the depositors, 3¼ per cent should be added, making the interest to 31st Dec. 1835, 8¼ per cent.

No. 19. Page 390.

ABSTRACT OF THE ESTIMATED EXPENDITURE OF THE
COLONIAL GOVERNMENT, FOR THE YEAR 1837.

Service.	Salaries.			Contingencies.			Totals.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
His Excellency the Governor and Judges . }	10,000	0	0	—			10,000	0	0
Civil Establishment .	22,615	6	3	9,427	13	7½	32,042	19	10½
Survey and Public Works .	14,275	15	0	29,689	11	0	43,965	6	0
Judicial Establishment .	11,643	18	9	8,585	5	0	20,229	3	9
Police and Jails .	31,224	0	10	13,976	12	6	45,200	13	4
Church Establishment .	11,557	10	0	7,610	0	0	19,167	10	0
School Establishment .	996	3	6	12,018	15	5	13,014	18	11
Military Establishment .	91	5	0	—			91	5	0
Pensions .	860	0	0	—			860	0	0
Miscellaneous Services .	—			56,101	14	10	56,101	14	10
	103,263	19	4	137,409	12	4½			
				£			240,673	11	8½

Amounting in all to two hundred and forty thousand, six hundred and seventy-three pounds, eleven shillings, and eight pence, half-penny.

ALEXANDER M'LEAY, Colonial Secretary.

The Ways and Means to meet this charge are—

	£.	s.	d.
Customs Duty on Spirits	120,000	0	0
Duty on Tobacco	12,000	0	0
<i>Ad valorem</i> Duty	10,000	0	0
Miscellaneous	3,000	0	0
Tolls, Ferries, and Market Dues	4,000	0	0
Licenses for retailing Spirits	10,000	0	0
Auction Duties	4,000	0	0
Duty on Colonial Spirits	1,200	0	0
Fees collected in Public Offices	9,000	0	0
Collections by Agent of the Church and School Estates }	4,500	0	0
Post Office	5,000	0	0
Miscellaneous	3,000	0	0
Probable Balance of Revenue of Crown Lands after deducting Charges of Immigration . }	80,000	0	0
Balance unexpended on 31st December, 1835 .	18,845	2	7
Total .	£284,545	2	7

To the Ways and Means for 1837, thus shown to amount to £284,545. 2s. 7d. may be added the value of Treasury Bills due to the Colony amounting to £80,000, and making in the whole the sum of £364,545. 2s. 7d. to meet the charge of £241,423. 11s. 8½d.

The Charge of the Supplementary Estimate for 1836 will be fully met by the excess of Revenue over Expenditure in the present year.

5th July, 1836.

RICHARD BOURKE.

No. 20. Page 391.

Names of Counties.	Contents in	
	Square miles.	Acres.
Cumberland . . .	1,445	924,800
Camden . . .	2,188	1,400,320
Northumberland . . .	2,342	1,498,880
Durham . . .	2,117	1,354,880
Hunter . . .	2,056	1,315,840
Cook . . .	1,665	1,065,600
Westmoreland . . .	1,592	1,018,880
Argyle . . .	1,951	1,248,640
Murray . . .	2,248	1,458,080
King . . .	1,781	1,159,840
Georgiana . . .	1,924	1,231,360
Bathurst . . .	1,860	1,190,400
Roxburgh . . .	1,519	972,160
Phillip . . .	1,618	1,035,520
Brisbane . . .	2,344	1,500,160
Bligh . . .	1,683	1,077,120
Wellington . . .	1,656	1,059,840
Gloucester . . .	2,930	1,875,200
Macquarie . . .	2,000	1,280,000
St. Vincent . . .	2,667	1,706,880
	39,586	25,374,400
Extent of land alienated up to 31st December, 1835		3,835,744
Extent of unappropriated land within the colonial } territory }		21,538,656

No. 21. Page 416.

RETURN OF GRAIN, FLOUR, &c., IMPORTED INTO NEW SOUTH WALES, AND OF THE AVERAGE PRICE OF WHEAT PER BUSHEL, DURING THE FOLLOWING YEARS.

	Wheat in bushels of 60 lbs each.	Barley and Oats.	Flour and Bread.	Rice.	Pota- toes.	Grain.	Average price of Wheat per bushel.		
Year.		Bushels.	Pounds.	Pounds.	Tons.	Bshls.	£.	s.	d.
1828	85,716	8,689	331,520	403,200	369	2000	0	10	8 $\frac{1}{4}$
1829	107,929	2,575	42,076	183,703	548		0	9	4 $\frac{1}{4}$
1830	70,904	183	2,226	29,898	190		0	6	5 $\frac{3}{4}$
1831	71,892	758	358,154	54,161	142		0	5	7 $\frac{1}{4}$
1832	42,106	929	48,664	90,252	93		0	4	8 $\frac{1}{4}$
1833	19,507	7,081	14,272	39,200	422		0	4	3 $\frac{3}{4}$
1834	16,171	2,682	281,566	304,445	396		0	8	3 $\frac{1}{4}$
1835	122,908	15,997	1,377,018	1,139,551	520		0	8	6 $\frac{3}{4}$

Wheat, barley, oats, and potatoes, are imported chiefly from Van Dieman's Land; potatoes, partly from New Zealand; rice, flour, and bread, from India and the United States. In 1828, one of the years of drought, a Sydney miller bought 6000 bushels of Van Dieman's Land wheat at 20s. per bushel. The value of the imports above enumerated in 1835 was £74,113.

Page	Page	Page
1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	60
61	62	63
64	65	66
67	68	69
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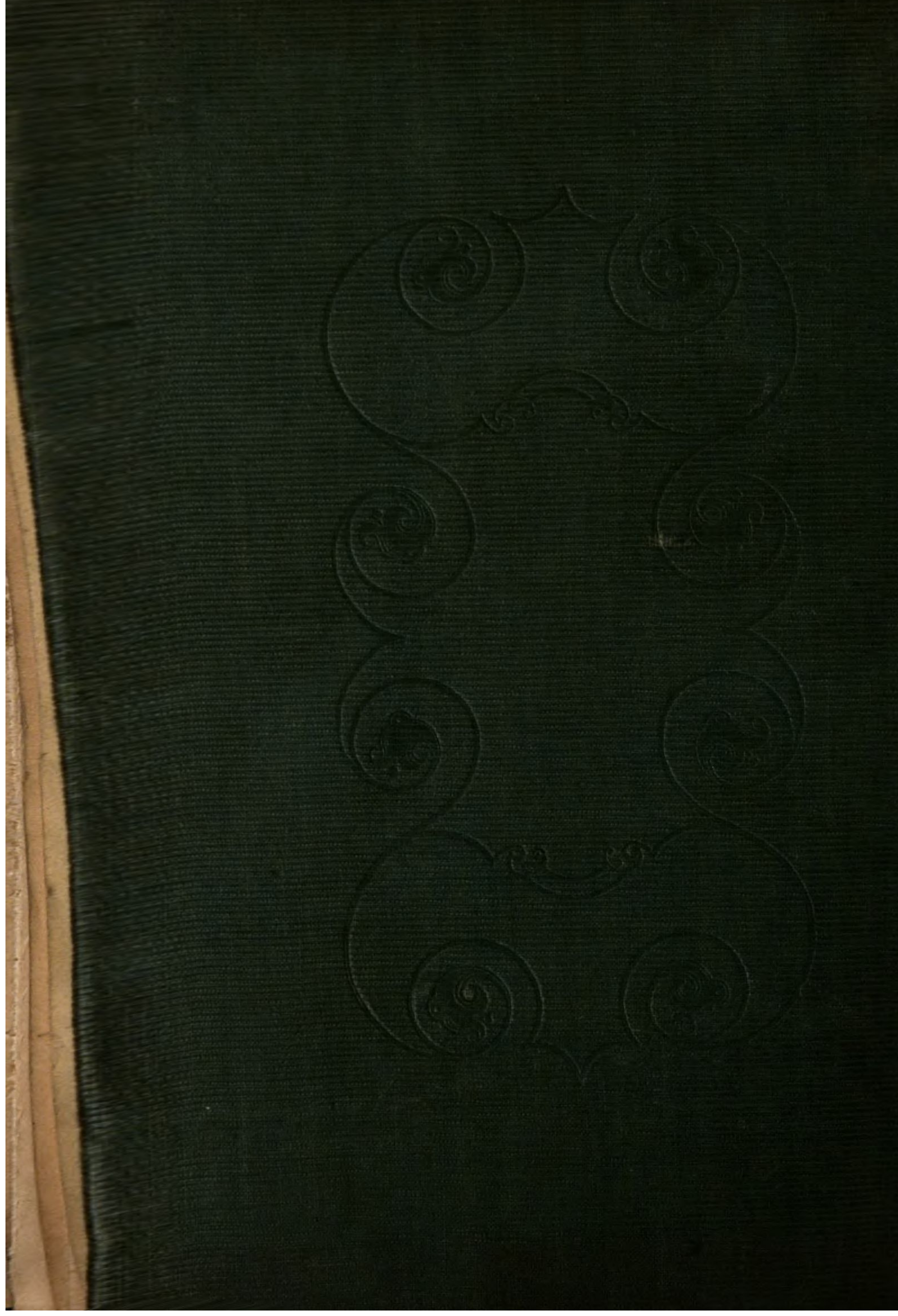
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London 1837

H.as. 2134-1

urn:nbn:de:bvb:12-bsb10433568-8